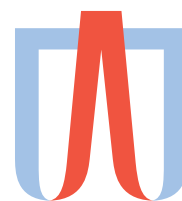




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HUMAN RIGHTS UNION

# ACCESS TO HUMANITARIAN AID UNDER CONDITIONS OF ARMED CONFLICT IN THE EAST OF UKRAINE



Kyiv 2016

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Г94

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This report includes information obtained during the field monitoring mission supported by the United States Agency for International Development (USAID) Human Rights in Action Project that is implemented by Ukrainian Helsinki Human Rights Union.



The American people, through the USAID, have provided economic and humanitarian assistance worldwide for 50 years. In Ukraine, USAID's assistance focuses on three areas: Health and Social Transition, Economic Growth and Democracy and Governance. USAID has provided 1.8 bln technical and humanitarian assistance to Ukraine since 1992.

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The publication is concerned with comprehensive access to humanitarian aid in situation of armed conflict in the East of Ukraine. The legal aspect of international humanitarian aid is considered. Challenging issues of access to humanitarian aid under conditions of military conflict in the East of Ukraine are determined on grounds of open sources analysis and own research. Results of interviews with members of humanitarian organizations, monitoring visits, surveys of internally displaced persons in need of humanitarian aid are provided herein.

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**Arkadiy  
Bushchenko,**

*UHHRU Executive Director*

**TRAGIC CONSEQUENCES** of the armed conflict in Ukraine and illegal occupation of Crimea became a new challenge for people not indifferent to someone's troubles. The international community has taken impressive in scale steps by launching in Ukraine activities of eleven international humanitarian organizations with ensured simplified procedure for crossing the contact line when delivering humanitarian supplies in the temporarily occupied territories. Over two years, Ukraine has received \$649 million of humanitarian aid from international institutions and countries of the world, including the US share of \$84 million.

At the same time, activities of 993 legal entities – recipients of humanitarian aid requires well-coordinated interaction between international and national actors of humanitarian aid provision, monitoring of its distribution, proper training of local personnel, continuous study of the immediate needs of aid recipients. Elaborated the UN Humanitarian Response Plan is just the beginning of hard work in this area, which will be aimed at solving problems in five areas: direct financial aid to internally displaced persons, their employment, health care, education and social adaptation. Each area provides for coordinated activities of at least one powerful international organizations (WHO, UNICEF, etc.) and 15-20 relevant humanitarian organizations. The mentioned Plan will be implemented taking into account another strategic document developed with the support of the EU, the UN and the World Bank – Recovery and Peacebuilding Assessment. This thematic report, prepared by UHHRU experts, aims to draw attention to the existence of wide range of problems and risks accompanying process of humanitarian aid provision. We hope that neutralization of the specified problems will become not only the matter of discussion, but also the object of joint activities of international and national institutions in this area.

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## 1. International humanitarian aid under conditions of an armed conflict: legal aspect

**THE SITUATION** of armed conflict carries a danger of ignorance and direct violation of human rights, primarily of the most vulnerable part of the population. It is clear that primary responsibility to provide timely aid to affected people, to protect them and to ensure their safety, support the recovery of vital processes rests on the country. Moreover, if it lacks the required resources, the international community should help<sup>1</sup>.

The concept of humanitarian aid since its formulation in the Convention of the League of Nations on creating the International Relief Union (1927) was developed in more than 300 international legal acts of both binding (strict) and soft law. Wikipedia, for instance, gives the following definition: **humanitarian aid** (from Latin Humanitas, Humanity means charity) is the measures for protection and care for people during a humanitarian crisis, which go beyond the scope of first aid measures. Humanitarian aid is provided mostly after emergencies and humanitarian crises, and is primarily aimed at saving lives, mitigating suffering, helping people to overcome the difficulties with dignity, preventing the emergence or spread of epidemics, etc.<sup>2</sup> As a general principle, it does not include conflict elimination. Accordingly, *the main objectives of humanitarian aid are:*

- *salvage of life;*
- *provision of aid to meet the basic needs of people (water, food, accommodation);*
- *provision of basic hygiene and health care*<sup>3</sup>.

An important principle of the activities of most humanitarian organizations is neutralism. Accordingly, humanitarian operations are generally aimed at eliminating suffering of the affected population in short-term and long-term perspective, at least, through proper statistical observation of a real picture, rescue, first aid provision, medical treatment, potable water delivery, distribution of food, tents, blankets to vulnerable, homeless and displaced persons; visiting prisoners and monitoring prison conditions, as well as logistical support in general and distribution of aid (for example, organization of refugee camps, reconstruction of buildings and infrastructure facilities, such as bridges, roads)<sup>4</sup>.

The main **standards of humanitarian aid provision** are the Humanitarian Charter and basic standards of humanitarian aid provision under the conditions of armed conflict; Minimum standards in health care; Code of Conduct of the International Red Cross and Red Crescent Movement and non-government organizations (NGOs) in providing aid in natural disasters and catastrophes; Minimum standards for the provision of shelter, accommodation and non-food aid; Minimum standards for water supply, provision of sanitary standards and hygiene; Minimum standards in education: preparedness, program, recovery; Minimum standards in food security.

However, **there is no generally recognized right to humanitarian aid in international contract law**. The affected state has “to seek”, not “to request” aid, i.e. has a right when seeking such aid to refuse from it. The meaning is that the affected state can refuse the aid of third parties, giving the appearance of such humanitarian aid and thus violating Article 2(7) of the UN Charter. Moreover,

1 Socio-pedagogical and psychological aid to families with children in the period of armed conflict: study guide [Electronic resource]. – Access mode : [https://www.humanitarianresponse.info/en/system/files/documents/files/lastrada\\_simyi\\_z\\_ditmy\\_v\\_period\\_viysk\\_konfliktu.pdf](https://www.humanitarianresponse.info/en/system/files/documents/files/lastrada_simyi_z_ditmy_v_period_viysk_konfliktu.pdf)

2 Aiuti umanitari [https://it.wikipedia.org/wiki/Aiuti\\_umanitari](https://it.wikipedia.org/wiki/Aiuti_umanitari)

3 Humanitarna pomoć [https://bs.wikipedia.org/wiki/Humanitarna\\_pomoć](https://bs.wikipedia.org/wiki/Humanitarna_pomoć)

4 Humanitäre Hilfe [Elektronisches Dokument]. – Zugriffsmodus: [https://de.wikipedia.org/wiki/Humanit%C3%A4re\\_Hilfe](https://de.wikipedia.org/wiki/Humanit%C3%A4re_Hilfe)

the state that agreed for aid retains its decisive role in directing, monitoring, coordinating and supervising such aid. In particular, the state may refuse humanitarian aid, if the offered aid does not meet the requirements of humanity, neutrality and impartiality.<sup>5</sup>

According to Article 30 of the Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, “protected persons should be given every opportunity to apply to protected powers, International Committee of the Red Cross, National Society of Red Cross (Red Crescent, Red Lion and Sun) of the country they stay in, as well as to any other organization that can offer them aid”<sup>6</sup>. The government shall promote these organizations to the extent allowed by conditions of war or safety requirements. In addition to visits of delegates of protected powers and the International Committee of the Red Cross under Article 143 of the Fourth Geneva Convention, “detaining or occupying powers should promote, to the extent possible, visits of representatives of other organizations, the aim of which is spiritual and material aid to protected persons” (Article 30). Furthermore, the Fourth Geneva Convention provides that “occupying powers shall by all available means provide people with food and medical products; in particular, supply necessary food, medical products and other supplies, if the resources of the occupied territory are insufficient” (Article 55).

According to Article 18(2) of the Optional Protocol for the protection of victims of armed conflict not of international character (Protocol II), “if civilians experience scarcity of goods needed to survive, such as food, medicaments, they should be given impartial humanitarian aid without any distinction and with the consent from the high contractual party”<sup>7</sup>. In addition, as provided by the Fourth Geneva Convention 1949, “protecting powers shall be entitled at any time to carry out a check on the provision of food and medical products in the occupied territory, except that temporary restrictions caused by most important military demands are in effect” (Article 55).

According to the international humanitarian law, the delivery of humanitarian aid through the territory of the state it is intended for shall be permitted by this state. In this regard, the important fact is whether the target territory is occupied, or there is internal armed conflict in the country. Pursuant to the Fourth Geneva Convention, if the territory is occupied, and “all or part of the population of the occupied territory receive insufficient supplies, the occupying state shall agree to take measures to provide support to the population, and shall facilitate the implementation of these measures by all available means. Such aid may be offered by the state and independent international organizations, such as the International Committee of the Red Cross, and shall in particular include the provision of consignments containing food, medical products and clothes. All contractual parties shall allow free movement of such consignments and ensure their security”. However, the state granting the right to free entry of goods into the territory occupied by an adverse party shall be entitled to inspect them and control their delivery according to the designated time and route; and aided by the protected power, shall be able to make sure that these goods will be used to provide aid to people in need rather than in favor of the occupying country (Article 59).

Having studied the existing current practice of the states in international humanitarian law, the International Committee of the Red Cross together with a number of well-known experts established the following provisions relating to humanitarian aid, as customary law.

1. *The personnel participating in the provision of humanitarian aid shall be respected and secured.* The security of employees of humanitarian organizations is a mandatory condition for humanitarian aid to be delivered to civilian persons under a threat of hunger. The civilian personnel of humanitarian organizations shall be secured from attacks according to the principle of distinction (between

military and civilian objects). The international practice shows that in addition to a prohibition to attack such personnel, there is also a prohibition to persecute, intimidate and arbitrarily detain the personnel of humanitarian organizations. Intentional infliction of blows against the personnel engaged in providing humanitarian aid shall be deemed a war crime. Abusive treatment, physical and psychological violence, murder, battery, kidnapping, hostage-taking, persecution, illegal arrest and detention are prohibited as well.

2. *Objects used for humanitarian aid shall be respected and secured.* Intentional attacks of objects, materials, subdivision or transport means engaged in humanitarian aid shall be deemed a war crime. In addition, destruction, illegal misappropriation and looting of such objects are prohibited as well.
3. *It is banned to use hunger among civilian persons as a method of warfare.* Intentional actions that threaten civilian persons with hunger as a method of warfare are a war crime. The application of hunger to civilian persons as a method of warfare is a crime according to the legislation of many countries. At the time of siege, the residents of cities shall be allowed to leave the city. As an alternative to this, free delivery of food and articles of prime necessity shall be allowed.
4. *It is prohibited to attack, destroy, take out or disable the objects needed for the survival of civilian persons.* Since the objects needed for the survival of civilians are civilian objects, they shall not be attacked. This provision hereby develops the principle of banning hunger among civilian persons. Such objects include, for example: food supplies; agricultural zones producing food; crops, livestock; facilities for potable water supply and its reserves; irrigation facilities. Regulatory acts consider food and medicaments necessary for civilians to survive. In addition, this provision mentions clothes, bedding and housing.
5. *The conflicting parties shall allow and promote quick and unhampered humanitarian aid to civilian persons in need, provided that such aid has an unbiased, nondiscriminatory character and is subject to inspection of conflicting parties.* The parties of armed conflict shall let free passage of any packages with medical and sanitary products intended only for civilian persons, as well as let free passage of any packages with needed food, clothes and hygiene products for children up to 15 years, pregnant women and new mothers.

Relief actions may be carried out only with the consent from the parties interested. However, the party cannot refuse to give such consent on arbitrary grounds. If found that civilian persons are threatened with hunger, and the humanitarian organization providing such aid dispassionately and nondiscriminatory can remedy the situation, the party shall grant such consent. The interested party may supervise the execution of aid (including searches of packages or cargo and supervision of their delivery). The personnel providing humanitarian aid shall observe national laws on access to the territory of the state and applicable safety requirements.

Each party shall refrain to deliberately obstruct the delivery of cargo and aid to civilians in need in the controlled regions. The civilians in need have the right for humanitarian aid needed for them to survive. Such persons have the right to appeal to the government, ICRC or National Society of the Red Cross or Red Crescent, as well as any organization that can offer aid.

6. *The conflicting parties shall ensure free movement of the personnel of humanitarian organizations, which comes into effect by their consent, required for the performance of their assisting functions. Only in the event of immediate military necessity, its movement may be temporarily restricted.* The conflicting parties shall not only ensure freedom of movement for the personnel of humanitarian organizations, which comes into effect by their consent, and a quick and unhampered transit, but also to implement all necessary measures to protect the forces and mission from mines, body-trap mines and other devices in any controlled region. To do this they should: a) inform the head of the mission of a safe route, or b) to the extent possible, make minefield lane. Only in the event of immediate military necessity, the operations of such personnel and its movement may be restricted.<sup>8</sup>

<sup>8</sup> Henckaerts J.-M., Doswald-Beck L. Customary International Humanitarian Law. Standards [Electronic resource] // International Committee of the Red Cross. – Access mode : <https://www.icrc.org/rus/assets/files/other/customary.pdf>

<sup>5</sup> Antonovych M. M. Right to humanitarian aid during armed conflict and responsibility for its violation under the international law [Electronic resource]. – Access mode : [http://ekmair.ukma.edu.ua/bitstream/handle/123456789/7843/Antonovych\\_Pravo\\_na\\_humanitarnu\\_dopomohu.pdf?sequence=1&isAllowed=y](http://ekmair.ukma.edu.ua/bitstream/handle/123456789/7843/Antonovych_Pravo_na_humanitarnu_dopomohu.pdf?sequence=1&isAllowed=y)

<sup>6</sup> Convention relative to the Protection of Civilian Persons in Time of War dated 12.08.1949 [Electronic resource]. – Access mode : [http://zakon4.rada.gov.ua/laws/show/995\\_154](http://zakon4.rada.gov.ua/laws/show/995_154)

<sup>7</sup> Additional Protocol to the Geneva Convention dated August 12, 1949 relative to the protection of victims of armed conflict not of international character (Protocol II), dated June 8, 1977 [Electronic resource]. – Access mode: [http://zakon2.rada.gov.ua/laws/show/995\\_200](http://zakon2.rada.gov.ua/laws/show/995_200)



As to *liability for violation of the right for humanitarian aid*, M. M. Antonovych states that currently there are no effective mechanisms for implementation and introduction of the right of victims of armed conflicts to humanitarian aid. However, the states do not have only the right, but also an obligation to take measures against violation of the international humanitarian law, including the right to humanitarian aid. The protected powers shall cooperate with other parties, including international organizations, to guarantee the right to humanitarian aid; however, the previous experience did not raise hopes. Instead, it was the activities of the International Committee of the Red Cross, which repeatedly acted as an intermediary between the parties and did good turns to the conflicting parties, which were more effective in this respect.

Another mechanism to ensure the right for humanitarian aid is the International Fact-Finding Commission established according to the Additional Protocol to the Geneva Conventions dated August 12, 1949, which regards the security of victims of international armed conflicts (Protocol I) in order to investigate any facts of serious violations of the Geneva Conventions and this Protocol, as well as provide services to ensure that these documents are respected<sup>9</sup>.

Ratifying on March 18, 1989, the Protocols to the Geneva Conventions, the USSR made the following statement: "Ukrainian Soviet Socialist Republic, according to clause 2 of Article 90 of Protocol I, ipso facto recognizes the competence of the International Fact-Finding Commission without a special agreement relative to any other High Contractual Party undertaking the same obligation". Thus, Ukraine may and shall apply to the International Fact-Finding Committee in relation to flagrant violation of the right to humanitarian aid of the civilian persons in the occupied territory.

According to Article 91 of the Optional Protocol I to the Geneva Conventions, "the conflicting party that violates the provisions of the Convention or this Protocol shall, if necessary, pay compensation. It will be liable for all acts performed by members of its armed forces". In addition, the Rome Statute of the International Criminal Court criminalizes a number of actions that relate to violation of the right to humanitarian aid and involve punishment. Such actions are part of all three crimes under the jurisdiction of the Court: genocide, crimes against humanity and war crimes. The UN Security Council repeatedly expressed concern about violation of the right to humanitarian aid, stressing a customary character of standards in respect of humanitarian aid (UNSC Resolution 307 (1971) on Indo-Pakistan conflict; 361 (1974) on Cyprus; Resolutions 512, 513, 518, 520 (1982) on Lebanon conflict; and especially Resolution on Kurdistan, Somalia and Yugoslavia). It was decided that violation of the right of victims to humanitarian aid is a threat to peace and safety in the world.<sup>10</sup>

## 2. Armed conflict and state of access to humanitarian aid in the East of Ukraine

### 2.1. Unrecognized republics are on the verge of a humanitarian catastrophe

**AT THE CONFERENCE** "Donbas and prospects of relations with the UE, Ukraine and Russia", which took place on 16 February 2016 in Brussels, the head of the public initiative "Recovery of Donbas" Olena Petriaiieva said: "Cities on the contact line live under the conditions of constant shortage of food and medical supplies due to impaired administration, destroyed logistics and continuous bombardment. The controlled territory of Donbas is overburdened due to a rush of displaced persons. The social infrastructure of the affected region makes the normal life of people impossible". According to Petriaiieva, some territories of Donetsk and Luhansk regions lack adequate supplies of food and potable water. A common problem is healthcare delivery and, accordingly, a risk of disease outbreak. The situation is still critical regardless of who controls some or other territory of the region.<sup>11</sup>

However, the news that the humanitarian situation in the ATO zone is complicated, and the territories are on the verge of a humanitarian catastrophe, is not heard for the first time.

At the beginning of April 2015, at the press briefing in Kyiv, speaking of the results of visiting Donetsk and its region, the speaker of the OSCE Special Monitoring Mission (SMM) to Ukraine Michael Botsiurkiv said that the infrastructure of many villages and cities in Donetsk region had been destroyed, hospitals and schools were closed. "I want to draw your attention to the upholding humanitarian catastrophe in the East of Ukraine. Our observers visited (eastern regions) and told in their reports of the worsening of the situation in many parts of Donetsk and Luhansk regions. We observed that many villages had its hospitals ruined and lacked medical supplies. Many children who stayed in the region are shocked, they have no place to play; people have no access to social aid", he said.<sup>12</sup>

On 23 June 2015, Rinat Akhmetov Humanitarian Center and "Dopomozhemo TV" presented an updated Humanitarian Map of Donbas reflecting the needs of people of the ATO zone and IDPs. It is based on the survey of the Kyiv International Institute of Sociology (KIIS).

According to the survey results, 52% of the responders in controlled cities are in need of medicaments, 41% food, 34% household goods. The most problematic situation is in Stakhanov, Rovenky and Dzerzhynsk. In Srakhanov 80% of the responders said they needed food, medicaments and hygiene products.<sup>13</sup>

As of September 2015, according to the Humanitarian Map of Donbas, the food requirements of local residents have slightly decreased, but are still high. Thus, 18% of the residents of Yenakiievo are in need of fresh meat and fresh dairy products, 17% in vegetable oil; in Kirovsk 24.5% of people need canned meat and fish, 16.3% fresh meat, 14.3% dairy concentrates and preserves; and Shakhtarsk is in most need of fresh fruit, 16.7%.

As regards Luhansk region, unfortunately, the period of the similar survey is not specified on the website. There are interesting statistics for controlled Stanytsia Luhanska. Thus, 26.7% of the residents need fresh dairy products (this indicator is higher than in most uncontrolled cities), 23.3% need meat and fish preserves, and 13.3% dairy concentrates and preserves. In Sverdlovsk,

<sup>11</sup> Brussels has acknowledged a humanitarian catastrophe in Donbas [Electronic resource]. – Access mode: <http://timeua.com/news/4/45440.html>

<sup>12</sup> OSCE Mission informed about the humanitarian catastrophe in the Donbass [Electronic resource]. – Access mode: [http://zn.ua/UKRAINE/missiya-obse-soobschila-o-gumanitarnoy-katastrofe-v-donbasse-171823\\_.html](http://zn.ua/UKRAINE/missiya-obse-soobschila-o-gumanitarnoy-katastrofe-v-donbasse-171823_.html)

<sup>13</sup> More than 90% of the residents of Donbas are not going to leave their homes - survey [Electronic resource]. – Access mode: <http://korrespondent.net/ukraine/3531299-bolee-90-zhytelei-donbassa-ne-sobyrautsia-pokydav-svoy-doma-yssledovanye>

<sup>9</sup> Additional Protocol to the Geneva Conventions dated August 12, 1949 that regards the security of victims of international armed conflicts (Protocol I), dated June 8, 1977 [Electronic resource]. – Access mode: [http://zakon3.rada.gov.ua/laws/show/995\\_199](http://zakon3.rada.gov.ua/laws/show/995_199)

<sup>10</sup> Antonovych M. M. Right to humanitarian aid during armed conflict and responsibility for its violation under the international law [Electronic resource]. – Access mode : [http://ekmair.ukma.edu.ua/bitstream/handle/123456789/7843/Antonovych\\_Pravo\\_na\\_humanitarnu\\_dopomohu.pdf?sequence=1&isAllowed=y](http://ekmair.ukma.edu.ua/bitstream/handle/123456789/7843/Antonovych_Pravo_na_humanitarnu_dopomohu.pdf?sequence=1&isAllowed=y)

Luhansk region, the residents mentioned a lack of fresh meat 9.7%; meat and fish conserves 6.5%; vegetable oil 6.5%; cereals 5.4%.<sup>14</sup>

According to the UN estimates, as of July 2015, 5 million people have received humanitarian aid in Ukraine.

A serious problem is a *lack of medical supplies, especially in the temporarily uncontrolled territories*, due to a ruined health care system. As reported by Correspondent.net, Russia claims giving great aid, though the Red Cross is unable to verify its content. Switzerland has supplied 300 tons of chemicals for potable water treatment in Donetsk, and is funding the delivery of medicaments and medical equipment there; however, the supplies are being rapidly depleted, and some kinds of treatment cannot be provided. In particular, experts state an outbreak of hepatitis A. “This is a peculiarity of the humanitarian crisis: regardless of all its simplicity, it is almost invisible”, explains Jean-Noel Wetterwald, representative of the United Nations High Commissioner for Refugees.<sup>15</sup>

On 29 October 2015, the head of the UN regional office for coordination of humanitarian issues in problematic regions Marcel Wassen said that the humanitarian situation in Eastern Ukraine is still problematic. “So far, there is great difficulty with a humanitarian line... The humanitarian operation is being actively carried out, and people’s needs are growing”, he said. When answering the question of journalists as to the betterment of the overall situation in Donbas, he said that “there are no fundamental changes there yet”<sup>16</sup>.

In November 2015, the newly elected deputy to the City Council of Sievierodonetsk Serhii Shakhov said in the interview of “RIA News of Ukraine” that humanitarian aid in Luhansk region is on the verge of catastrophe.

“Humanitarian aid is extended to Donetsk and Luhansk only. Today uncontrolled territories scarcely receive any humanitarian aid, because it is prohibited by career military people. Humanitarian situation is on the edge there; there is no water, food, medical supplies”, said Shakhov meaning Stakhanov, Kirivsk, Pervomaisk, Alchevsk, Luhansk, Donetsk.<sup>17</sup>

The annual UN “Humanitarian call” for 2016 reports that the residents of Donbas will need a humanitarian aid in the amount of 298 million US dollars in 2016. It is also noted that the humanitarian program will cover 2.9 million people of the “most vulnerable” parts of the population. The United Nations estimate the total amount of Ukrainians in need at 3.1 million. “More than 800 thousand people live under unacceptable conditions along the contact line, and 2.7 million of people live in the uncontrolled territories with limited freedom of movement”, as reported in the document.<sup>18</sup>

On 23 January 2016 Iryna Herashchenko, Commissioner for the President of Ukraine on the peaceful reconciliation of the situation in Donetsk and Luhansk regions, during a meeting with the representative of the European Commission Directorate General for Humanitarian Aid and Civil Protection, Jean Louis de Brouwer discussed humanitarian situation in Donbas and problems of internally displaced people. Ms. Iryna on her Facebook page posted about the meeting: “In relation to humanitarian projects for the near future, I expressed conviction that special attention should be paid to settlements located directly near the contact line and where it is sometimes not easy to direct any help due to difficult security situation. I stressed that one of the most problematic humanitarian issues in the conflict affected areas is mines – and here we expect to intensify cooperation on mine cleaning.”<sup>19</sup>

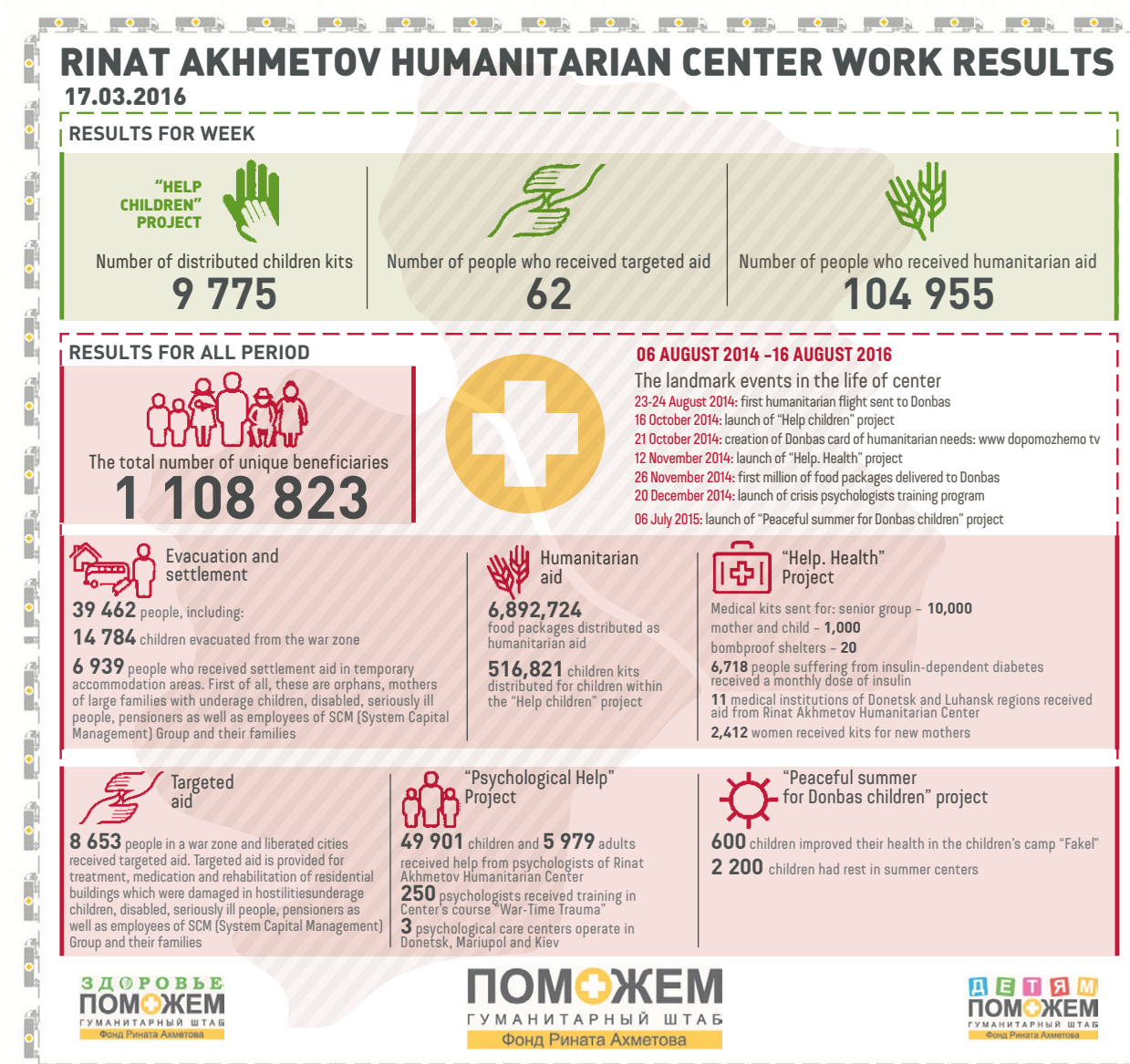
“The total amount of aid that Ukraine received for humanitarian needs is over 649 million dollars. Most of these funds were directed to humanitarian mission of the occupied territory”, - said Petro Poroshenko,

the President of Ukraine, in a joint statement with the EU Commissioner for humanitarian aid and crisis management Christos Stylianides on 18 March 2016 in Kyiv.<sup>20</sup>

It is also known so far that Russian Federation is going to send its aid to the occupied territories. “From August 2014 MES (the Ministry for Emergency Situations) convoy delivered over 58 thousand tons of vital humanitarian goods of primary importance” – said the first deputy head of RF Ministry for Emergency Situations Volodymyr Stepanov. But as reported by UNIAN, Ukrainian side has repeatedly stressed that all such goods from Russia, which Moscow calls “humanitarian”, were sent to Ukraine illegally without consent of the government in violation of national law and generally accepted international practice.<sup>21</sup>

Humanitarian center “Help” has also reported that from 27 August 2014 to 27 August 2015 62 convoys were sent to Donetsk – 2056 heavy trucks, which delivered 41,000 tons of food. It was immediately distributed for ATO zone 3,662,619 adults’ and 259,097 children’s food packages.

According to the weekly report of Humanitarian center “Help” during the week from 9 March to 16 March 2016 104,955 people received humanitarian aid, 9,775 people received kits for children and 62 people received targeted aid.



20 Poroshenko counted the amount of humanitarian aid received by Ukraine [Electron. resource]. – Access mode: <http://www.segodnya.ua/economics/enews/poroshenko-podschital-skolko-gumanitarnoy-pomoshchi-poluchila-ukrainy-700564.html>

21 From February Russia wants to continue to deliver so called “humanitarian aid” to Donbas [Electron. resource]. – Access mode: <http://www.unian.net/war/1248792-rossiya-hochet-s-fevralya-prodljit-postavki-tak-nazyivaemoy-gumanitarnoy-pomoschi-na-donbass.html>

14 Humanitarian map of the situation and needs in Donetsk and Luhansk [Electronic resource]. – Access mode: <http://map.dopomozhemo.tv/>

15 Hunger, hepatitis, lack of water. Humanitarian catastrophe in Donbas [Electronic resource]. – Access mode: <http://korrespondent.net/ukraine/3534795-holod-hepatyt-otsutstvie-vody-humanyarnaia-katastrofa-v-donbasse>

16 UN: the humanitarian situation in Donbas is still complicated [Electronic resource]. – Access mode: <http://korrespondent.net/world/worldabus/3582717-on-humanyarnaia-sytuatsiya-na-donbasse-po-prezhnemu-slozhnaia>

17 Humanitarian catastrophe in Donbas: there is nothing to eat; people are begging [Electronic resource]. – Access mode: <http://rian.com.ua/interview/20151118/1000560529.html>

18 The UN estimated the humanitarian needs of the Donbass in \$ 300 million [Electron. resource]. – Access: <http://korrespondent.net/ukraine/3599886-on-otsenyla-humanyarnye-nuzhdy-donbassa-v-300-mln>

19 It is named the greatest humanitarian problem of Donbas [Electron. resource]. – Access mode: <https://focus.ua/country/344358/>



## 2.2. Humanitarian aid is stolen and resold

On 20 July 2014 in Donetsk in the premises of “Doctors Without Borders” (M decins Sans Frontières, hereinafter – MSF) organization the “DPR” militants stormed, defeated it and stole a vehicle full of humanitarian aid provided by the international medical organization “Doctors Without Borders” and 2 more vehicles. As a result of the incident the guard was injured.

“One of MSF vehicles was loaded with medical supplies for treating 50 wounded people which were not delivered to medical facilities that need it”, - said Stephan Prevost, head of MSF in Ukraine. Without these vehicles, MSF’s medical care activity in the region is compromised.”<sup>22</sup>

Back in December 2014 the former “DPR Defense Minister” Igor Hirkin-Strieltsov said that almost all Russian humanitarian aid coming to “republics” is stolen. “I constantly get information from Donetsk, Luhansk and other settlements. First of all, Russian state aid is not enough. Secondly, it mostly goes to markets, not to population. Aid recipients on the republics areas are largely unfair. I received one of the reports where it is said that 70 – 80% of civilians in Donetsk are on the verge of starvation.”<sup>23</sup>

On 31 January 2015 12th humanitarian convoy from Russia arrived in Luhansk. As informant. lg.ua reports, referring to closed source among local residents, on 1 February 2015 in the collective farm market at the 3rd km Russian butter was selling at a price of 50 UAH per kg.<sup>24</sup>



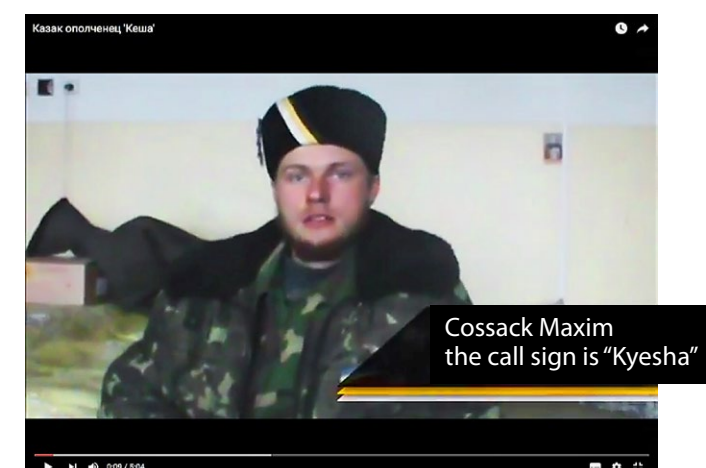
**Фасовщик: ООО «Липецкий пищевой комбинат»**  
**399071, Россия, Липецкая обл., Грязинский район, с. Казинка, т. (4742) 43-87-10**  
**Масло сливочное «Крестьянское» ГОСТ Р 52969-2008**  
**Массовая доля жира - 72,5%**  
**Состав: пастеризованные сливки**  
**Пищевая ценность 100 г масла: жира - 72,5 г, углеводов - 1,3 г, белков - 0,8 г. Энергетическая ценность (калорийность) - 2718,2 кДж/661 ккал.**  
**Срок годности при относительной влажности воздуха не более 90 % и при t минус (16±2) °C - 120 суток, в том числе при t (3±2) °C - 35 суток. Изготовлено и упаковано (число, месяц, год): смотри на упаковке.**  
**Масса нетто 500 г.**  
**Добровольная сертификация.**

**Изготовитель: (Л) ОАО «Лунинвский молочный завод» 225643, Республика Беларусь, г. Лунинец, ул. Давыдова, 2. Телефон: +375 (1647) 3-34-13 Факс: +375 (1647) 3-34-70 (П) ОАО «Поставский молочный завод» 211875, Республика Беларусь, Витебская обл., г. Поставы, ул. Крупской, 84 Телефон: +375 (2155) 4-23-06. Факс: +375 (2155) 4-18-65. (М) ОАО «Милкавита» Республика Беларусь, г. Гомель ул. Братьев Лизюковых, 1. Телефон +375 (232) 23-72-29 Факс: +375 (232) 23-72-40 (Х) Холопеничский филиал ОАО «Здравушка-милк» 222024. Республика Беларусь Минская обл., Крупский р-н, г.п. Холопеничи, ул. Калинина, 16. Телефон: +375 (1796) 5-33-66. Факс: +375 (1796) 5-39-00.**  
**Буквенная маркировка указана на упаковке.**

**Packer: ООО «Lipetsk Food Plant»**  
**399071, Russia, Lipetsk region, Griazinskiy district, Kazinka village, tel.(4742) 43-87-10**  
**“Krestianskoe” butter GOST P 52969-2008**  
**Fat content – 72.5%**  
**Ingredients: pasteurized cream**  
**Nutritional value of 100 g of butter: fat – 72.5 g, carbohydrates – 1.3 g, proteins – 0.8 g. Energy value (caloric content) – 2,718.2 kJ/661 kcal.**  
**Shelf life at a relative humidity of 90% and at t minus (16±2) °C – 120 days, including at t (3±2) °C – 35 days.**  
**Manufactured and packaged (day, month, year): see food label.**  
**Net weight 500 g.**  
**Voluntary certification**

**Manufacturer: (L) ОАО «Luninvtskiy Dairy Plant» 225643, Republic of Belarus, Luninets city, Davydov St., 2. Telephone: +375(1647)3-34-13 Fax: +375(1647)3-34-70 (P) ОАО «Postavskiy Dairy Plant» 211875, Republic of Belarus, Vitebsk region, Postavy city, Krupskoy St., 84 telephone: +375 (2155) 4-23-06. Fax: +375 (2155) 4-18-65. (M) ОАО «Milkavita» Republic of Belarus, Gomel city, Lizyukovyh Bratiev St., 1. Telephone: +375 (232) 23-72-29 Fax: +375 (232) 23-72-40 (X) Holopenichskiy branch ОАО «Zdravushka-milk» 222024. Republic of Belarus, Minsk region, Krupski district, Holopenychi, Kalina St., 16. Telephone: +375 (1796) 5-33-66. Fax: +375 (1796) 5-39-00.**  
**Code letter indicated on the package.**

The Cossack with a call sign “Kyesha” from the “Black Raven” Cossack Hundred accused Ihor Plotnytskyi in video interview on 8 April 2015 that he steals the humanitarian aid from Russia. He has informed in his interview that the aid of the Russian Federation that officially comes to LPR, does not reach the civilians, and remains in distribution networks for resale. Following that, “Kyesha” shot another video interview, where he told that somebody began to pursue him.<sup>25</sup>



<sup>25</sup> The leader of LPR “hunts” the Cossack from the “Black Raven” gang: he accused Plotnytskyi of murder and theft [Electronic resource]. - Access mode: <http://glavred.info/zhizn/glavar-lnr-ohotitsya-na-kazaka-iz-bandy-chernyy-voron-obvinil-plotnickogo-v-ubiystvah-i-krazhah-313527.html>

<sup>22</sup> DPR stole humanitarian aid from “Doctors Without Borders” [Email. resource]. – Access mode: <https://ukr.media/ukrain/207798/>

<sup>23</sup> Strelkov: Where does the Russian humanitarian aid go [Video]. – Access mode: [https://www.youtube.com/watch?v=aNTQptf4\\_4](https://www.youtube.com/watch?v=aNTQptf4_4)

<sup>24</sup> Photo fact: “Putin’s humanitarian aid” is already on Lugansk markets [Electron. resource]. – Access mode: <http://informator.lg.ua/archives/66483>



The commander of the Cossack National Guard Central Front Pavlo Dryomov accused also the leaders of LPR of frauds with the humanitarian aid. He was indignant on meeting that was held in the City of Stakhanov of Luhansk region on 13 October 2014 that deputies of “LPR” had been handing out the humanitarian aid for 2 weeks, which nobody received. “We have 27 pallets of baby food, which nobody has got, – he said at the meeting in Stakhanov on the threshold of the City House of Culture. – Ihor Plotnytskyi is currently sleeping on the money stolen from the people”.<sup>26 27</sup> Dryomov was killed later.

Another Cossack Mykola Kozitsyn made also the announcement about the theft of humanitarian aid in “LPR”.<sup>28</sup>

It was reported in the video plot of Ivan Polupanov on Youtube that 9000 boxes with the humanitarian aid from the UN were found in the hangar in the territory of ZBV Plant in Rubizhne City of Luhansk Region on 18 February 2015. The expiration date was until May 2015, cargo had been in the warehouse since December 2014. At the same time, 5,000 displaced persons from a zone of military operations have been registered in Rubizhne City as of February 2015. The staff of State Security Service of Ukraine informed the journalist Viktoriya Vasylenko that Oleksandr Romanovskiy’s Fund was responsible for the cargo. When Viktoriya called Mr. Romanovskiy, he confirmed his involvement in cargo and argued that the aid was constantly shipping. However, the hangar keeper denied this information. According to him, he opened the warehouse only once: several boxes were transferred to the car.

After the publication of the video plot, Oksana Mykytenko, the director of the International Aid and Development Charitable Organization, has started to refute information on cargo belonging to Oleksandr Romanovskiy’s Fund. According to her, cargo belongs to her organization and is not shipped because it is for the residents of the occupied territories (at that time, the rules for transportation of humanitarian cargos into the occupied territories had been introduced).

Next day, according to Polupanov, he arrived in Rubizhne. He asked the displaced woman from Luhansk, whether she had received the aid from Oleksandr Romanovskiy’s Fund at least once. She answered that she and her acquaintances had begun to receive the aid from Romanovskiy since February 18, just after a video plot release about the found humanitarian aid.<sup>29 30</sup>

The archpriest Oleksandr Avdyuhin from Rovenky informed in Facebook on 15 May 2015 that communists had stolen the humanitarian aid, which the representatives of Barnaul Diocese, Altai Cossacks and Afghan Veterans Union had sent to Rovenky. “Communists of Luhansk region” have taken out the sugar and rice, 6 tons in total, of the humanitarian aid, which the Barnaul Diocese has provided to our Rovenky Diocese. This is marauding, generally speaking. The faithful Leninists have lost the electorate of all industrial cities of LPR by their actions. I will have enough forces and opportunities to inform each pensioner and those, who sympathize with the communists about their method of action...” This post was no longer available as of February 2016.<sup>31</sup>

Later, Altapress publication explained events by the fact that the archpriest dealt with the humanitarian aid in bad faith. Referring to the ataman of the Altai Military Cossack District of the Union of the Cossack Troops of Russia and Abroad, they shifted responsibility for problems with cargo delivery onto Oleksandr Avdyuhin. According to the ataman, the aid was stopped out on

border of Russia in Novoshakhtynsk, it was not wanted to be passed and unloaded. When Cossacks addressed the archpriest, he answered that he had no opportunity to arrange cargo, as well as there were no people, who could unload it. Then the Cossacks took matters into their own hands: “Then our guys delivered themselves the cargo to Rovenky Diocese, and took 5 tons of sugar and grain for this for needs of the militia troops – they have not enough foodstuffs”, – the Cossack explained.<sup>32</sup>



Photo: Oleh Bohdanov, altapress.ru

Altai Cossacks and Afghan Veterans Union send the humanitarian aid from Barnaul Diocese to Rovenky.

Oleksandr Zakharchenko, the head of “DPR”, dismissed the mayor of Novoazovsk from position on 10 March 2015 on suspicion of the humanitarian aid trade. According to Zakharchenko, about 3 tons of the humanitarian aids have been stolen in this city. He said about this in video interview to Russia 24 and LifeNews channels.<sup>33</sup>

At the same time, video with poll of residents of Perevalsk of Luhansk region appeared in Youtube. Journalists, which seemed to feel sympathetic to the Cossacks, asked people, whether they had ever received the humanitarian aid from Ihor Plotnytskyi. Local residents complained that they had not received the humanitarian aid at all for 8 months, and only one woman – single mother having many children – received once the aid from the Red Cross. In addition, on video, the pensioners are indignant that they do not receive their pensions, which they had earned during life, and their children work for food, which they are fed with only at work in the dining room. Therefore, they have no opportunity to keep their own families.<sup>34</sup>

The press service of the State Fiscal Service of Ukraine published the post on 17 July 2015 that “Phantom” Tax Police Division has withdrawn one million UAH in cash, received from the sale of the humanitarian aid. Law enforcement officers stopped the truck, which went through sector “B” and belonged to one of the organizations, engaged in the delivery of humanitarian aid into the temporarily occupied territories. Nine plastic bags, completely filled with coins of different value, have been found during the inspection. According to the press service, “Representatives of carrier explained that they had received the cash from the supermarket chain, operating in the territory occupied by fighters of DPR. According to the preliminary information, the humanitarian aid, which the residents of temporarily occupied territories should have received free of charge, was realized through this network”.<sup>35</sup>

Informator.lg.ua Internet portal has published several posts with reference to local residents of the occupied territories about the fact that they do not receive the humanitarian aid.

“All this distribution is just the picture for Russian TV channels. In fact, we do not see anything from brought. Cossacks divide products among themselves and then sell the brought drugs in drugstores...”<sup>36</sup>

32 Humanitarian aid from Barnaul reached Ukraine with a scandal [Electronic resource]. – Access mode: <http://altapress.ru/pda/story/158314>

33 The head of DPR Zakharchenko dismissed the mayor of Novoazovsk for stealing the humanitarian aid [Video]. – Access mode: <https://www.youtube.com/watch?v=m7CHSfSTrgw>

34 The aid for poor people was cancelled and nobody has received the humanitarian aid [Video]. – Access mode: <https://www.youtube.com/watch?v=kIbo4v8ynpI>

35 “Phantom” Tax Police Division has withdrawn one million UAH in cash, received from the sale of the humanitarian aid [Electronic resource]. – Access mode: <http://sfs.gov.ua/media-tsentr/novini/206852.html>

36 “Cossacks” in Pervomaik have stolen the humanitarian aid intended for residents – a source [Electronic resource]. – Access mode: <http://informator.lg.ua/archives/56347>

26 Plotnitskyi sleeps on money – the leader of Stakhanov fighters about the leader of LPR (video) (18+, profanity) [Electronic resource]. – Access mode: <http://informator.lg.ua/archives/39526>

27 Meeting in Stakhanov. Deputies of LPR are faggots, Plotnytskyi – a thief [Video]. – Access mode: <https://www.youtube.com/watch?v=8sW7MKCWO30>

28 “LPR” is the armed gang, and the humanitarian aid is stolen and sold – Kozitsyn [Video]. – Access mode: <https://www.youtube.com/watch?v=-Mi1C7Q5ddo>

29 The humanitarian aid was found in Rubezhne [Video]. – Access mode: <https://www.youtube.com/watch?v=PiQ942q8dTQ>

30 The humanitarian aid was found in Rubezhne. Continued. [Video]. – Access mode: <https://www.youtube.com/watch?v=XvTShInjV04>

31 Lugansk communists stole humanitarian aid from the church, – the archpriest [Electronic resource]. – Access mode: [http://zik.ua/news/2015/05/17/luganski\\_komunisty\\_vkraly\\_v\\_tserkvy\\_gumanitarnu\\_dopomogu\\_protioierey\\_590389](http://zik.ua/news/2015/05/17/luganski_komunisty_vkraly_v_tserkvy_gumanitarnu_dopomogu_protioierey_590389)



In addition, according to Informator.lg.ua with reference to an anonymous source, fighters trade the humanitarian aid in Amvrosiyivka. “The humanitarian aid has been not given in the city for the last several months. Therefore, it is not clear for whom all this is brought”.<sup>37</sup>

“The pork liver is sold from white boxes with red crosses with the German texts in the wholesale market. It is not the “humanitarian aid” certainly, by no means”. Recently, I saw “GAZel” in the city – people have been trading vegetables from the same boxes”, - it is said in messages of local residents of Horlivka.<sup>38</sup>

The leader of HI Prava Sprava Dmytro Snyehiryov reported in Facebook that the State Security Service of Ukraine detained the truck with drugs from the humanitarian aid near Zolote City of Luhansk region on 14 November 2015, which were tried to sell in Ukraine. During inspection of the car, the SSSU officers have found medicines that had got to “LPR” as the humanitarian aid from Russia. The packaging indicated the sender’s address – “Zahyst” (“Protection”) “All-Russian Center for Disaster Medicine” Federal State Budget Institution of the Ministry of Health of the Russian Federation, Moscow City”. Moreover, the officers have found the permit for the transportation of medicines for the “LPR” medical institutions, issued by “the Ministry of Health of LPR” to “Farmatsiya” Municipal Entity of Luhansk region. “The Minister of Health” of the self-proclaimed republic Larisa Ayrapetyan signed the document.<sup>39 40</sup>

СБУ – терористи хотіли продати ліки з гумдопомоги



SSSU – the terrorists wanted to sell medicines from the humanitarian aid  
Video: State Security Service of Ukraine/ YouTube

The story about abuses in distribution of the humanitarian aid, transferred by the international organizations, on the part of the head of Odessa Red Cross appeared on “24” TV channel in April 2016. Activists told that he laid hands on the humanitarian aid, and gave what remained to displaced people, even often the expired products. The donor of the Swiss organization Max Hilpert reported that he had brought more than 100 tons of the aid into Ukraine in 2015 for seven institutes, including in hospitals. “But the Odessa Red Cross just began to sell it, ignoring terms of the contract. We cannot control this process”, - he said.<sup>41</sup>

## 2.3. Poor quality of humanitarian aid

The media provide a lot of information about cases of distribution of food packages of poor quality among people in unrecognized republics, but at the same time the media mostly cite anonymous sources, so it is rather difficult to confirm such formation. Similar complaints have been received in respect of the territories recently liberated from separatists.

According to information received from Cxid.info on 28 June 2014 with reference to a correspondent of EastKorr, people in the liberated towns of Luhansk sector after receiving Ukrainian humanitarian aid complained on small quantities of food and its horrible appearance. That was told by an anonymous woman, who lived in the town of Shchastia. “Today we have received Ukrainian humanitarian aid. For some reason it has been handed only to those having the stamp in passport confirming registration in Luhansk. One could take a little more than 1 kg of potatoes, 300 grams of each of beet, carrot, cabbage and onion; and persons with children received a tin of canned fish”, – the woman shared. She added that so as there was a small child in her family, she received a tin of sprats canned in tomato sauce, but the product was expired and she had to throw it away.<sup>42</sup>

On 11 July 2015 TSN published a statement by the representative of the Presidential Administration on ATO issues Andrii Lysenko that the number of poisonings in the uncontrolled territories due to low-quality food has increased. “We register the increase in the number of cases of poisoning of local residents, in particular children, as a result of consumption of dishes cooked with the use of low-quality expired food products, delivered in the occupied territory of the Eastern Ukraine as the so-called “humanitarian aid” from Russia”.<sup>43</sup>

In May 2015 informator.lg.ua published an invoice from the supermarket chain “Narodnyi” (formerly “ATB”) dated 18 March 2015. According to the document, trade network controlled by Plotnytskyi received 2195 units of products from the warehouses of the “State Reserve of LPR”: various cereal flakes and porridges, beverages, bread crumbs, jams. Products have been recognized expired and are forwarded for sale as such that are not humanitarian aid. At the same time, according to information received by informator.lg.ua from the secret source from among militants, the said products had been delivered to the territory of the unrecognized republic by “humanitarian convoys” from Russia.<sup>44</sup>

Source: informator.lg.ua

НАКЛАДНАЯ  
18 марта 2015  
С/М Народный

№ п/п	Наименование	Ед. изм.	Кол-во	Примечание
1	Геркулес 800 гр.	шт	448,00	Просроч.
2	Геркулес 400 гр.	шт	196,00	Просроч.
3	Овсяные хлопья 400 гр.	шт	184,00	Просроч.
4	Овсяные хлопья 500 гр.	шт	29,00	Просроч.
5	Овсяные хлопья 450 гр.	шт	1,00	Просроч.
6	Овсяные хлопья 420 гр.	шт	13,00	Просроч.
7	Овсяные хлопья 600 гр.	шт	21,00	Просроч.
8	Овсяные хлопья 1 кг	шт	1,00	Просроч.
9	Овсяные хлопья 1,5 кг	шт	8,00	Просроч.
10	Овсяные хлопья 30 кг	шт	1,00	Просроч.
11	9 злаков 400 гр.	шт	152,00	Просроч.
12	5 злаков 400 гр.	шт	14,00	Просроч.
13	3 злака 450 гр.	шт	24,00	Просроч.
14	Овсяночка 420 гр.	шт	11,00	Просроч.
15	Хлопья гречневые 550 гр.	шт	5,00	Просроч.
16	Хлопья гречневые 400 гр.	шт	11,00	Просроч.
17	Хлопья пшеничные 500 гр.	шт	19,00	Просроч.
18	Хлопья пшеничные 550 гр.	шт	5,00	Просроч.
19	Хлопья рисовые 800 гр.	шт	7,00	Просроч.
20	Хлопья пшеничные 600 гр.	шт	6,00	Просроч.
21	Каша овсяная 40 гр.	шт	365,00	Просроч.
22	Каша овсяная 45 гр.	шт	256,00	Просроч.
23	Каша овсяная 47 гр.	шт	98,00	Просроч.
24	Каша овсяная 200 гр.	шт	79,00	Просроч.
25	Каша овсяная 368 гр.	шт	5,00	Просроч.
26	Каша овсяная 450 гр.	шт	16,00	Просроч.
27	Каша овсяная 175 гр.	шт	21,00	Просроч.
28	Напиток соевый т/п 1 л.	шт	43,00	Просроч.
29	Пепси кола 2 л.	бут	8,00	Просроч.
30	Квас 1 л.	бут	5,00	Просроч.
31	Квас 0,5 л.	бут	9,00	Просроч.
32	Напиток 0,5 л.	бут	13,00	Просроч.
33	Павидло 30 кг	шт	4,00	Просроч.
34	Павидло 14 кг	шт	1,00	Просроч.
35	Сушари панеров. 130 гр.	шт	111,00	Просроч.
Итоговое количество единиц товара			2195,00	

Выдал: *Петренко Е.А.*  
Принял: *Дупак С.В.*  
Представитель Госрезерва: *Вармач В.В.*  
18.03.15

<sup>37</sup> Fighters steal the humanitarian aid in Amvrosiyivka [Electronic resource]. – Access mode: <http://informator.lg.ua/archives/93033>

<sup>38</sup> The humanitarian aid of the Red Cross is traded in the markets of Horlivka [Electronic resource]. – Access mode: <http://informator.lg.ua/archives/109266>

<sup>39</sup> “The minister of LPR” stole humanitarian medicines for sale across Ukraine [Electronic resource]. – Access mode: <http://obozrevatel.com/crime/24693-ministra-lnr-ulichili-v-vorovstve-gumanitarnyih-lekarstv.htm>

<sup>40</sup> SSSU – the terrorists wanted to sell medicines from the humanitarian aid [Video]. – Access mode: <https://www.youtube.com/watch?v=McYJ5mGz1Fo>

<sup>41</sup> The Red Cross Society in the center of corruption scandal [Electronic resource]. – Access mode: [http://24tv.ua/tovarstvo\\_chervonogo\\_hresta\\_u\\_tsentri\\_korupsiynogo\\_skandalu\\_n678626](http://24tv.ua/tovarstvo_chervonogo_hresta_u_tsentri_korupsiynogo_skandalu_n678626)

<sup>42</sup> Residents of Luhansk region complain that the food from humanitarian aid is expired [Electronic resource]. – Access mode: <http://cxid.info/jiteli-luganschiny-jaluutsya-cto-eda-iz-gumanitarki-prosrochennaya-n116177>

<sup>43</sup> IN DONBAS LOCALS GET POISONED DUE TO LOW-QUALITY AND ROTTEN “HUMANITARIAN AID” FROM RUSSIA

[Electronic resource]. – Access mode: <http://ru.tsn.ua/ato/na-donbasse-mestnye-zhiteli-travyatsya-nekachestvennoy-i-prutuhshyey-gumanitarkoy-iz-rossii-450027.html>

<sup>44</sup> Plotnytskyi trades in expired humanitarian aid (document) [Electronic resource]. – Access mode: <http://informator.lg.ua/archives/92700>





Photo: Facebook/"Defense of Mariupol"

On 21 August 2015 NGO "Defense of Mariupol" published a message stating that "DPR" received expired canned stewed meat as humanitarian aid. "In the city of Donetsk there is Charity Fund "Revival of Donbas". Recently the said fund through the Ministry of Defense of "DPR" has received expired canned stewed meat from the Russian Federation in the amount of about 1 million cans. Employees of the Fund plan to distribute the said canned stewed meat among population of the occupied territories through social canteens and food packages. According to experts, in view of expiration of the shelf life of the products, their use by population may lead to mass poisoning". But this information has not been confirmed by any photos or videos.<sup>45</sup>

On 10 December 2015 informator.lg.ua citing an anonymous source wrote that in secondary school No. 7 of the uncontrolled by Ukrainian authorities the town of Sverdlovsk of Luhansk region humanitarian canned stewed meat brought from Russia was handed out. According to sources, the shelf life of canned meat expired 2 years ago. "The seventh school is a lucky one, because the shelf life of canned stewed meat distributed in the 18th school expired 5 years ago", – a citizen noted.<sup>46</sup>

Periodical repeatedly published information about humanitarian aid unfit for consumption, citing anonymous sources. For example, on 3 December the same year they published a commentary of a local resident on her experience of receiving humanitarian aid: "... Humanitarian aid composition: 2 kg of flour, 2 kg of sugar, 2 kg of "feathers" macaroni, 1 kg of pearl barley, 1 kg of crushed buckwheat, 1 liter of vegetable oil in PET bottle, 2 cans of condensed milk, 4 cans of sardines and 4 cans of canned stewed beef. At that the shelf life of canned fish and beef expires in six months, and the shelf life of condensed milk expires in 3 days. Interestingly, canned stewed beef has shelf life of 5 years. It is unlikely we will ever find out where it has been kept for previous 4 years before we got it. In short, it is all the same as it was a month ago, when I got humanitarian aid for myself – then condensed milk was totally expired, and canned food had to be used within six months".<sup>47</sup> We could not verify the information.

Blogger from Horlivka Yehor Voronov on his Facebook page in one of the diaries called "Observations on Non-Military Horlivka" dated 11-25 November 2015 mentioned expired canned stewed meat in urban hospitals. "What else? Health care workers have been warned that there is no point to expect the promised increase in salaries (in my opinion related to sharp changes in the exchange rate of ruble). Rather, you may expect, but you should not place many expectations. Indeed, the central hospitals received canned stewed meat again ... expired. What can I say; I had the opportunity to taste a couple of cans. I am still alive, healthy and even satisfied with such a "test", because that cans contained was much more meat than those of Ukrainian producers sold before war. Especially taking into account it was beef!".<sup>48</sup>

Also, Facebook user named Saveliy Vasserman published a photo of baby food received from the "Joint Brotherhood of Luhansk". According to him, shelf life of apple puree expired a month ago. However, if we compare the date when photo was uploaded (3 December 2015), the product shelf life (8 months), and the date of manufacture (12 February 2015), it turns out that the shelf life of puree was exceeded by almost two months. Manufacturer of puree – OJSC "Progres", the Russian Federation, the town of Lipetsk. Other products had a shelf life expiring any day now. For example, broccoli puree "Fruto nanny" of the same manufacturer had to be used by 6 December 2015.<sup>49</sup>

However, we shall note, there was no evidence on the user's page to confirm that it was puree from humanitarian aid in particular.

Source: Facebook/ Saveliy Vasserman



<sup>45</sup> "DPR" received expired stew from the Russian Federation [Electronic resource]. – Access mode: <https://www.facebook.com/mariupol.oborona/photos/a.492952414175030.1073741829.492506714219600/666347973502139/?type=1&permPage=1>

<sup>46</sup> Teachers of Sverdlovsk received expired humanitarian aid [Electronic resource]. – Access mode: <http://informator.lg.ua/archives/134218>

<sup>47</sup> How a woman from Luhansk received humanitarian aid in Leninskyi District Council [Electronic resource]. – Access mode: <http://informator.lg.ua/archives/133244>

<sup>48</sup> "Observations on Non-Military Horlivka." [Electronic resource]. – Access mode: <https://www.facebook.com/egor.voronov.gorlovka/posts/1646420735616976>

<sup>49</sup> "Generous" gifts form "dear" Russia [Electronic resource]. – Access mode: <https://www.facebook.com/saveliyvasserman/posts/1001687113225512>



On 14 January 2016 blogger Valerii Asianov provided 5.ua with the article “Donbas turns into waste disposal tool for Russia”. He found a message from a resident of Makiivka that the last Russian “humanitarian convoy” brought in the town the medications of Russian production, the shelf life of which has expired 18 months ago. Medications arrived in the midst of the influenza epidemic and acute respiratory diseases. Woman cautioned against the use of such medications and warned that “some of mean rotten eggs have learned to adjust dates”.

In the opinion of Valerii Asianov, this phenomenon is not accidental. According to him, today the problem of medicinal waste management is very acute in Russia. The procedure for the disposal of medicines shall be carried out according to strict rules and regulations, so as in accordance with the Basel Convention medical waste belongs to the so-called Yellow List, and all of them, without exception, are considered hazardous. This leads to the high cost of the procedure. The law prohibits to landfill medications and it is punished with considerable fines. It is also impossible to transport such waste to a trash dump of another country – customs will not let such cargo in.

“But fortunately at hand there is the Donbas in the need of medications. And in such case the stake undertakes to arrange for the delivery of waste to this “trash dump of life” in vehicles that are not inspected at customs. It is just a godsend for unscrupulous businessmen. It remains only to agree with the right people, so that they do not examine closely the dates on blisters. And it has never been a problem in Russia”, – the blogger said.<sup>50</sup>

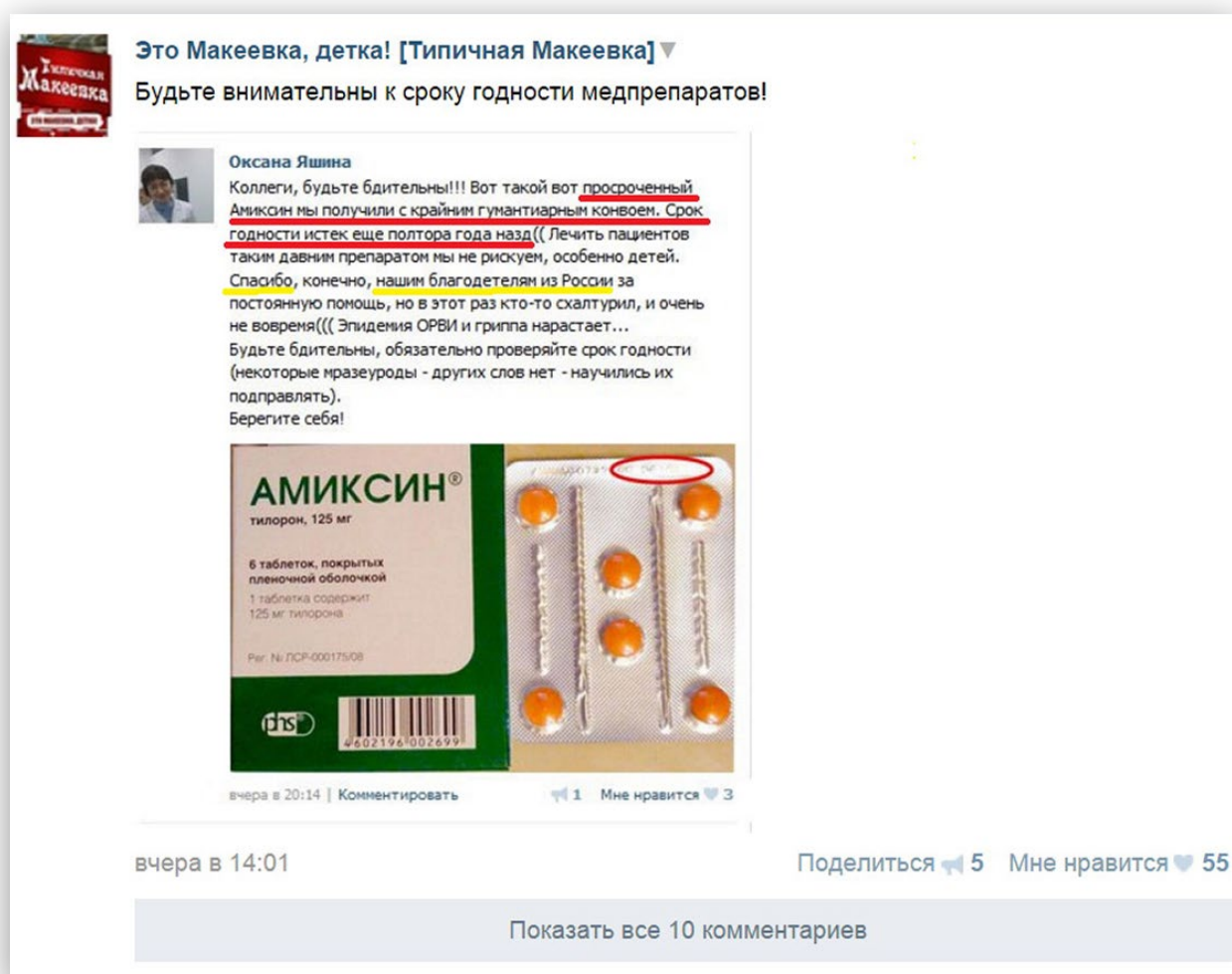
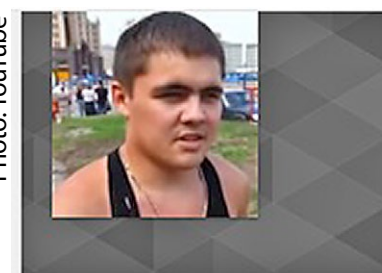


Photo: YouTube



Сергей Вафа

Joined Mar 2, 2016

Also, as it was written on one of the forums, all comments that included the suspicion that the video had been uploaded by “Ukrainian Information Forces” were promptly hidden by the author of the video. “He is very active as for a simple guy from Donbas, who has registered his account just today and writes using three points, pretending to be a simpleton” – the anonymous forum user wrote.<sup>52</sup> Today this link is inactive.



<sup>51</sup> Another “humanitarian convoy” from the Russian Federation brought to Donbas expired canned food, generators and books of unknown content [Electronic resource]. – Access mode: <http://ua.interfax.com.ua/news/general/325615.html>

<sup>52</sup> That’s the humanitarian aid brought from Russia [Electronic resource]. – Access mode: <https://2ch.hk/po/res/14457720.html>



## 2.4. Obstructing the delivery of humanitarian cargoes

Since 13 February 2015 the Ukrainian checkpoints for some time ceased to pass trucks with food products, including those with humanitarian aid. In particular, on 18 February 2015 at the checkpoint of Kurakhovo (Donetsk direction) several hundred trucks were stuck in five-kilometer traffic jam. “Since 13 February and to this day there have been trucks stuck at all the checkpoints and they are not allowed to pass. They require “permission for the goods”, although according to the law on the transportation of goods to the occupied territory the document enters into force on 1 March. At second: all suppliers have written such statements, but the tax authorities have no procedures for issuance of the said permits. Also according to the tacit information received from the inspectors they have the order not to let anyone in. Even vehicles of “Brusnichka” (chain of shops owned by Rinat Akhmetov – editor) are not allowed to pass”, – says one of Donetsk businessmen, consignee.<sup>53</sup>

The column with humanitarian aid from the Rinat Akhmetov Foundation going to Donetsk was also stopped. This was reported to “Ostrov” by an eyewitness. “They do not let pass the humanitarian aid from Akhmetov. There are also vehicles with “UN” inscription”, – he said. In addition, he said, earlier the checkpoint did not let pass the vehicle with from the Red Cross. Natalia Yemchenko, Public Affairs and Communications Director of System Capital Management<sup>54</sup> confirmed the information about blocking the entry for trucks: “Bad news. We are at Ukrainian customs and we are not allowed to enter. We are required to provide confirmation that this is humanitarian cargo. Confirmation shall be from the Ministry of Social Policy”, – she wrote on her Facebook page.

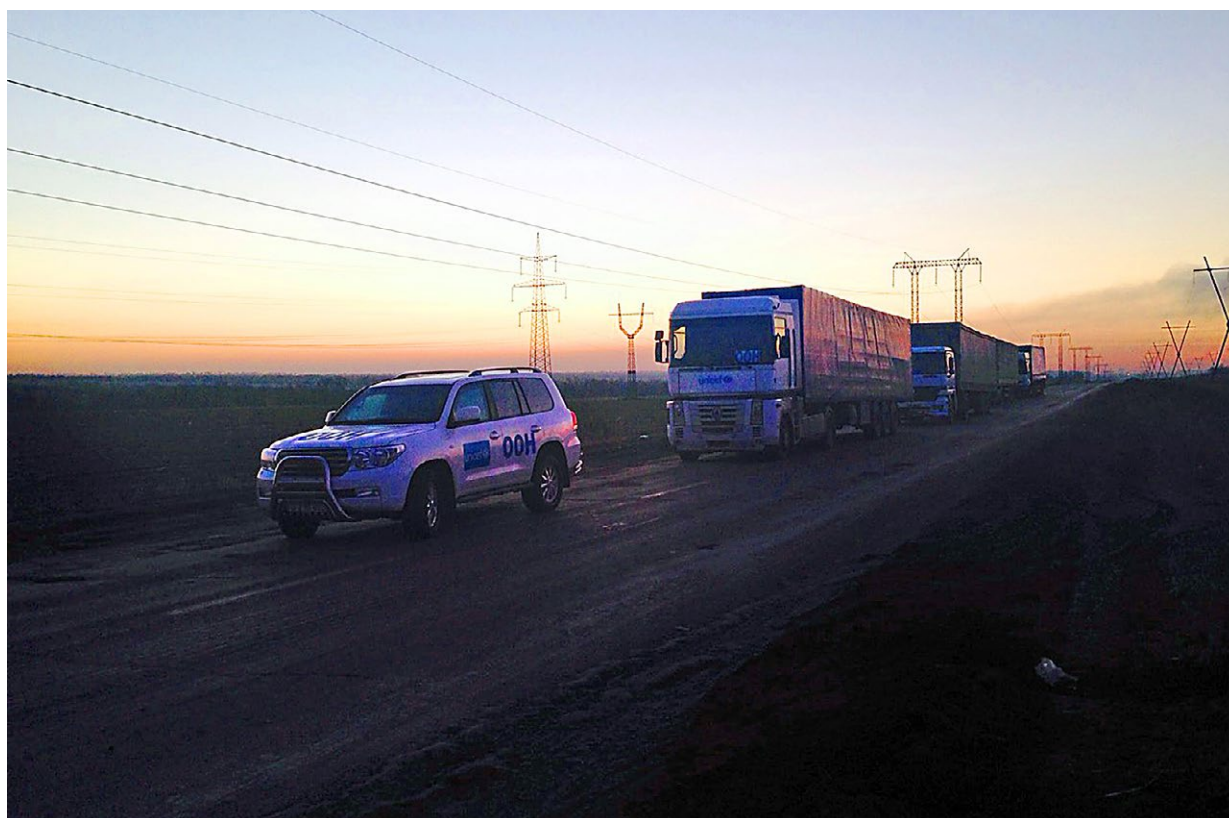


Photo: www.ostro.org

<sup>53</sup> Humanitarian aid both from Akhmetov and the UN is hold off Donetsk (photo) [Electronic resource]. – Access mode: <http://www.ostro.org/general/society/news/464751/>

<sup>54</sup> 100% of the shares belong to Rinat Akhmetov. In August 2014 the shareholder of SCM Rinat Akhmetov decided to merge the financial and human resources of all the businesses of the SCM Group, the Charitable Foundation and the FC “Shakhtar” in the framework of the Rinat Akhmetov Humanitarian Center (Wikipedia).

An employee of the company for the sale of food products in Donetsk region informed “Novosti Donbassa” that their trucks also were not allowed to enter in the temporarily occupied territory. “There are some products on the shelves in stores of retail chain, but two weeks stocks in warehouses will run out and there will be nothing. Our warehouses are almost empty. Since Thursday 10 trucks queued to cross the demarcation line, but all they were turned back to Ukrainian territory. A large crowd of trucks that are not allowed to pass is concentrated near the town of Kurakhovo. All products are legal and made by Ukrainian producers. All taxes have been paid to the relevant bodies”.<sup>55</sup>

Since 29 June 2015 “DPR” has started to carry out accreditation of humanitarian missions operating in the territory uncontrolled by the government, “LPR” commenced a similar process on 21 July 2015.

## 2.5. Obstructing the delivery of humanitarian cargoes and accreditation of humanitarian missions: “DPR”

On 20 June 2015 16 trucks with humanitarian cargo from the International Committee of the Red Cross passed through the checkpoint “Buhas”.

“Vehicles carried 255 tons of food products, hygiene products and building materials for residents of Donetsk region. However, in the territory uncontrolled by Ukraine the members of illegal armed groups did not allow the said vehicles to enter allegedly due to the lack of certain permits. Thus, people, who are actually in need, have not obtained more than 250 tons of real humanitarian aid”, – the State Border Guard Service of Ukraine reported.<sup>56</sup>

On 22 September 2015 Ukrainian border guards allowed the passage through Buhas to 16 trucks of the ICRC. Trucks were going from Dnipropetrovsk to Donetsk and brought long-storage food products with the total weight over 275 tons. But again the members of illegal armed groups did not let eight trucks with humanitarian aid from the International Committee of the Red Cross in Donetsk. Such information was received from the press center of the State Border Guard Service. Trucks entered the territory DPR around 15:00 through the checkpoint of Buhas. “But in three hours these vehicles with food products and hygiene goods returned – members of illegal armed groups did not let them pass because of unknown reasons”, – as it was in the report.<sup>57</sup>

On 1 October 2015 the Head of the Interministerial Committee on accreditation of humanitarian missions, Chairman of the People’s Council of “DPR” Denis Pushylin said that authorities of “DPR” conducted inspection in regard to “Doctors Without Borders”. “Violations have been revealed on the territory of LPR, and now their activity is at issue”, – he explained. He also said that the mechanism of accreditation for humanitarian missions in “DPR” is absolutely transparent. Humanitarian missions undergo accreditation all over the world, and “DPR” is not an exception. “The International Committee of the Red Cross negotiates with the Control Center of the DPR restoration in regard to the mechanism of interaction. At present, authorizations to carry out humanitarian activities have received by “People in Need” and the ICRC. Organization “Doctors Without Borders” is undergoing additional check. Not all organizations obtain accreditation due to justified reasons. We are aware of cases where humanitarian cargoes contained drugs”.<sup>58</sup>

<sup>55</sup> For almost a week the transportation of goods, including food products, to the territory controlled by “DPR” is not allowed, – source [Electronic resource]. – Access mode: <http://novosti.dn.ua/details/245464/>

<sup>56</sup> Militants did not allow the delivery of 255 tons of humanitarian aid from the Red Cross to Donbas [Electronic resource]. – Access mode: <http://www.segodnya.ua/regions/donetsk/boeviki-na-pustili-na-donbass-255-tonn-gumanitarnogo-gruza-ot-krasnogo-kresta-633483.html>

<sup>57</sup> The State Border Guard Service: DPR did not let humanitarian convoy of the Red Cross in [Electronic resource]. – Access mode: <http://korrespondent.net/ukraine/3567909-pohransluzhba-dnr-ne-vpustyla-humkonvoi-krasnoho-kresta>

<sup>58</sup> Denis Pushylin about accreditation of humanitarian missions [Electronic resource]. – Access mode: <http://dnr-news.com/video/25941-denis-pushilin-ob-akkreditacii-gumanitarnyh-missiy.html>



On 19 October 2015 “Doctors Without Borders” received a written notice from the humanitarian committee of “Donetsk People’s Republic” about revocation of their accreditation. International medical humanitarian organization was asked to immediately cease its operations. Notice did not contain any grounds for such a decision.<sup>59</sup>

“We are almost the only organization providing medicines for treatment of tuberculosis in prisons, insulin for diabetics and conducting hemodialysis for treatment of renal failure”, – stated the director of the humanitarian organization Bart Janssens and urged DPR to reconsider its decision. According to him, irregularity of supply of medicines can lead to serious complications for patients.<sup>60</sup>

“During our work in this field we have provided 85,000 medical consultations. We ensured operation of 40 mobile clinics. “Doctors Without Borders”... provided 77% of the required volume of insulin for diabetics. We also provided 90% of medical material required for dialysis”, – said the director of the Czech branch of the international organization “Doctors without Borders” Paul Gruber.<sup>61</sup>

On 5 November 2015 Oleksandr Zakharchenko said that there were western intelligence agencies in “Donetsk People’s Republic” working under the guise of activities of humanitarian missions. “Last year we arrested and transferred to the US authorities the two scouts, who were members of a humanitarian organization. Can we admit these organizations, which, under the guise of canned stewed beef and a pack of insulin, report on the movement of our troops and our positions? They give medicines with one hand, and with the other they cause appearing of dozens of the wounded. Among 70 members of an organization in Luhansk there was only one doctor”, – said the head of “DPR”.<sup>62</sup>

As on 11 November 2015 international humanitarian missions, accredited in “Donetsk People’s Republic”, provided aid to at least 20 thousand of residents in need.

“The Czech charity organization “People in Need” over the past two weeks has provided aid to 10 225 DPR residents from 11 towns and nine front-line localities”, – reported the Interdepartmental Committee on Accreditation of humanitarian missions in the territory of “DPR” to “News of Donetsk Republic”. Aid was provided in the form of food packages, building materials, plumbing, household and hygiene items, weighing in total over 256 tons.

The International Committee of the Red Cross provided aid for more than 10 thousand residents. “This is the approximate number of distributed food and hygiene sets, excluding building materials and medical supplies for social institutions and hospitals”, – the representatives of the ICRC reported.<sup>63</sup>

## 2.6. Obstructing the delivery of humanitarian cargoes and accreditation of humanitarian missions; “LPR”

Deputy Chairman of the Council of Ministers of “LPR” Vasyl Nikitin said that the “LPR authorities” due to detected violations denied accreditation on the territory of the “Republic” to 10 of the 11 foreign humanitarian organizations that had filed applications. The personnel of the UN humanitarian mission were asked to leave the territory controlled by “LPR” by 26 September 2015. That was reported on 24 September by the UN Under-Secretary-General for Humanitarian Affairs, Stephen O’Brien. Several other international non-governmental organizations were also informed that they had to leave Luhansk by 26 September, the UN specified. For that day the International Committee of the Red Cross (ICRC) was the only foreign non-profit humanitarian organization that obtained accreditation in “LPR”.<sup>64</sup>

On 21 September 2015 authorities of the self-proclaimed “LPR” banned the activities of the organization “Doctors Without Borders” on the territory under their control. “Members of the interdepartmental accreditation commission on the issues of accreditation of non-profit international organizations suspended the activities of non-profit international organization “Doctors Without Borders” – the “LPR” representatives said. They argued that “Doctors Without Borders” smuggled prohibited psychotropic drugs in the territory under their control.<sup>65</sup>

According to information provided by the State Border Guard Service of Ukraine on 13 December 2015, near the locality of Olenivka illegal armed groups did not allow the passage to 23 trucks with humanitarian cargo, namely, food products and medicines with the total weight of 430 tons, obtained from the UN World Food Programme and the Office of the UN High Commissioner for Refugees. Trucks loaded with humanitarian cargo going to Luhansk have been registered according to the prescribed procedure by Ukrainian border guards and employees of the fiscal service at the checkpoint of entry and exit “Novotroitske”. During the passage in the territory uncontrolled by the Ukrainian authorities the vehicles were stopped and returned back.<sup>66</sup>

In January 2016 the United Nations obtained accreditation to work in the territory controlled by “LPR”.

On 9 February 2016 Vasyl Nikitin informed that another international organization obtained accreditation to work – “People in Need” from the Czech Republic. 7 organizations submitted applications for accreditation, but all except the Czech one obtained waivers. “During detailed examination and analysis of each organization we found that they also were partners of the UN, which were going to bring the rest of the aid distributed in the Ukrainian territory. We do not ask anybody for handouts, and we do not need such partners”, – Nikitin said.<sup>67</sup> Nikitin also pointed out that the international organization “Doctors Without Borders”, which previously had obtained rejection of accreditation, did not file the second application for its obtainment.<sup>68</sup>

59 MSF Forced to End Activities in Donetsk, Leaving Thousands Without Health Care [Electronic resource]. – Access mode: <http://www.doctorswithoutborders.org/article/msf-forced-end-activities-donetsk-leaving-thousands-without-health-care>

60 DPR authorities revoked accreditation of “Doctors Without Borders” [Electronic resource]. – Access mode: <https://lenta.ru/news/2015/10/24/doctor/>

61 “Doctors Without Borders” are concerned about the ban on their activities on the territory controlled by terrorists of “DPR”: Some people will not receive essential medicines [Electronic resource]. – Access mode: [http://censor.net.ua/news/357617/vrachi\\_bez\\_granits\\_obespokoeny\\_zapretom\\_ih\\_deyatelnosti\\_na\\_podkontrolnoyi\\_terroristam\\_dnr\\_territorii](http://censor.net.ua/news/357617/vrachi_bez_granits_obespokoeny_zapretom_ih_deyatelnosti_na_podkontrolnoyi_terroristam_dnr_territorii)

62 Zakharchenko: Western intelligence agencies are working in DPR under the guise of humanitarian missions [Electronic resource]. – Access mode: <http://nahnews.org/412917-zaxarchenko-zapadnye-specsluzhby-rabotayut-v-dnr-pod-vidom-gumanitarnyx-missij/>

63 Humanitarian missions accredited by DPR have provided aid to more than 20 thousand residents for 2 weeks [Electronic resource]. – Access mode: <http://dnr-news.com/dnr/27213-akkreditovannye-v-dnr-gumanitarnye-missii-za-2-nedeli-okazali-pomosch-bolee-20-tys-zhityam.html>

64 INTERNATIONAL HUMANITARIAN ORGANIZATIONS [Electronic resource]. – Access mode: <http://www.dsnews.ua/politics/-lnr-vydvoryaet-mezhdunarodnye-gumanitarnye-organizatsii-25092015093700>

65 LPR revoked accreditation of “Doctors Without Borders” [Electronic resource]. – Access mode: <http://korrespondent.net/ukraine/3566134-v-lnr-zapretyly-vrachei-bez-hranyts>

66 Regarding the situation in the Ukrainian-Russian border and in the ATO zone [Electronic resource]. – Access mode: [http://dpsu.gov.ua/ua/about/news/news\\_9650.htm](http://dpsu.gov.ua/ua/about/news/news_9650.htm)

67 Another international humanitarian organization accredited by LPR [Electronic resource]. – Access mode: <http://ria.ru/world/20160209/1372067312.html>

68 LPR accredited two international humanitarian organizations [Electronic resource]. – Access mode: <http://cxid.info/v-lnr-akkreditovali-2-mejdunarodnye-gumanitarnye-organizacii-n126798>

## 2.7. Shelling humanitarian missions

“To bring aid to frontline zone is the same as to go on a scouting mission, – Yevhen Kaplin, coordinator of Humanitarian Mission on aiding civilians in the zone of armed conflict “Proliska”, shares his impressions. – In Pisky a semi-trailer truck with the wood from the humanitarian cargo of the UN has almost touched the trip wire. The village of Doslidne has been shelled by “Grads” shortly before our arrival. We accidentally arrived on the “quiet” day. Because the subsequent delivery of coal there failed: at the entrance to the settlement there was a fight. On the “road of life”, which connects Doslidne and Avdiivka, missiles of “Grads” poked out of asphalt, and in the middle of the bridge on the circuit road of Donetsk fresh craters and armored car burned appeared. Vehicles coming from the opposite direction carried corpses and badly wounded. We tried to get to the settlement through Vodiane, but there also was a fight”.<sup>69</sup>

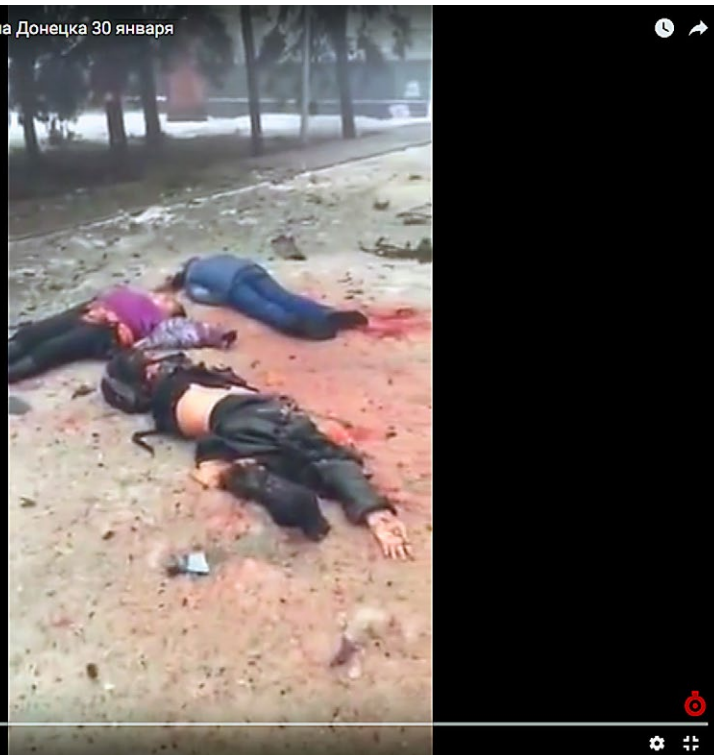
According to the message of the ATO press center published to Facebook, on 18 November 2014, terrorists shelled Bulavynske during the distribution of humanitarian aid in the settlement. “Yesterday was humanitarian cargo was delivered to residents of the settlement of Bulavynske. Local residents received food products and basic necessities. And the terrorists at the same time covered the settlement with artillery and mortar shelling”, – as stated in the text of the message<sup>70</sup>.

On 30 January 2015 in Donetsk, a point of hand-out of humanitarian aid was shelled. “It is known that today artillery shelling of Kuibyshev Community Center has been carried out (pr. Panfilova, 86). At that time the residents of Donetsk were receiving humanitarian aid. So far we are aware of 5 deceased. Data on the wounded to be confirmed”, – Donetsk City Administration of “DPR” stated in its message.

At the same time, according to the Director of Public Relations and Communications of SCM Natalia Yemchenko, no one from among people in queue for humanitarian aid has been

affected. “Half an hour ago, a shell fell 50 meters away from Kuibyshev Community Center in Donetsk. At that time the point of hand-out of humanitarian aid of the Rinat Akhmetov Humanitarian Center in the Community Center was working and there was a queue. According to my information the shell hit the car parked nearby. People miraculously were not injured. We closed the point and evacuated people. At present none of the hand-out points in Kuibyshevskyi district is working. TEMPORARY”, – she wrote on her Facebook page.<sup>71</sup>

СТРОГО 18+! Результаты обстрела Донецка 30 января



<sup>69</sup> So far in Pisky live six or seven families live in each basement, and they go for products on the “road of life” [Electronic resource]. – Access mode: <http://fakty.ua/211315-v-peskah-segodnya-v-odnom-podvale-zhivut-po-shest-sem-semej-a-za-produktami-dobirayutsya-po-doroge-zhizni>

<sup>70</sup> Terrorists shelled Bulavynske during the distribution of humanitarian aid in the settlement [Electronic resource]. – Access mode: <http://tyzhden.ua/News/123941>

<sup>71</sup> Terrible footage of consequences after shelling the Community Center in Donetsk, where humanitarian aid was being handed out (+ 18) [Electronic resource]. – Access mode: <http://www.ostro.org/video/463321/>

On 25 June 2015 two humanitarian missions in Donetsk region came under fire: of International Committee of the Red Cross and of the Rinat Akhmetov Humanitarian Center, reported Segodnya.ua. Fourteen trucks and accompanying vehicle of the ICRC came under the crossfire near the village of Berezove, near Volnovakha. Having delivered humanitarian aid to Donetsk, column was underway towards Mariupol. “None of the personnel of the committee and the drivers were injured. We don’t know from where the shelling was carried out, and we don’t think the shelling was intentionally directed towards us. Currently, the convoy is in Mariupol”, – said Ashot Astabatsyan, the delegate for community affairs of the International Committee of the Red Cross.

Along with the vehicles of the Red Cross accompanying vehicle of the Rinat Akhmetov Humanitarian Center came under fire. Volunteers were going from Donetsk towards Volnovakha to meet 19 vehicles with humanitarian supplies and escort it to Donbas Arena. Personnel of the Rinat Akhmetov Humanitarian Center were not injured. But the vehicles with products that were going to Donetsk did not pass the checkpoint that day because of the shelling. “At present the humanitarian convoy is taken to a safe distance, and tomorrow morning we will try again to cross the line of contact and deliver food products to Donetsk. We know that our fellow countrymen – civilians of Donetsk region – urgently need for food products, and we will fulfill the task put by Rinat Akhmetov – to help our countrymen”, – assured Rimma Fil, coordinator of the Rinat Akhmetov Humanitarian Center.<sup>72</sup>

On 10 November 2015 the hand-out mobile brigade of the Rinat Akhmetov Humanitarian Center made the first trip to the village of Hranite of Volnovaskyi district, which is located on the contact line and is periodically shelled. “Morning travel to Hranite had many difficulties for our volunteers, at the checkpoint they have been waiting for permission to pass for long. There’s a tense and dangerous situation, there is recurrent shootings. Shortly before the departure we found out that the shell fell near the place where we planned to hand out aid. Now there is a funnel and it is impossible to drive up to unload kits. We changed the place of hand-out to protect the residents and volunteers, and now people are getting aid in school building – Yevheniia Rzaeva, head of the direction “Humanitarian Aid” of the Rinat Akhmetov Humanitarian Center told “Correspondent”.<sup>73</sup>

On 17 March 2016 hand-out mobile brigade of the Rinat Akhmetov Humanitarian Center delivered food packages to residents of Maiorsk and Zhovanka for the first time. These settlements are located near checkpoint of entry and exit “Zaitseve” on the actual contact line. Entry there is limited entry and combat operations periodically resume. “When we began to hand out packages in Maiorsk the shelling started. Several shells fell near the place of hand-out. But local residents continued to come, saying that they were waiting for our aid so much. There are no shops and pharmacies, but there are many destroyed buildings. Almost every second person who came to receive a package, shared that his/her family had wounded or killed. People came to receive aids together with their families. They are afraid to leave someone in a house, they do not know how the situation will develop in the next minute”, – said Yuliia Malakhova, coordinator of mobile brigade of the Rinat Akhmetov Humanitarian Center.<sup>74</sup>

<sup>72</sup> In Donbas humanitarian missions of the Red Cross and the Rinat Akhmetov Humanitarian Center came under fire (video) [Electronic resource]. – Access mode: <http://www.segodnya.ua/regions/donetsk/v-donbasse-pod-obstrel-popali-gumanitarnye-missii-krasnogo-kresta-i-shtaba-ahmetova-626755.html>

<sup>73</sup> Humanitarian aid for Hranitne was delivered under fire [Electronic resource]. – Access mode: <http://korrespondent.net/ukraine/3587777-v-hranytnoe-pod-obstrelamy-dostavyly-humpomosch>

<sup>74</sup> Humanitarian aid for Maiorsk: hand-out under shelling [Electronic resource]. – Access mode: <http://www.fdu.org.ua/news/21474>



## 2.8. Regulatory and legal aspects of governing the order of provision of humanitarian aid and response of authorities to violations in this field

Today, humanitarian aid to victims of armed conflict in the East of Ukraine is carried out in accordance with the Constitution of Ukraine, the Tax Code of Ukraine, the Customs Code of Ukraine, the Code on Civil Defense of Ukraine, the Laws of Ukraine “On Humanitarian Aid”, “On the Red Cross Society of Ukraine” and other legislative acts of Ukraine.

However, we shall note that the Law of Ukraine “On Humanitarian Aid”<sup>75</sup> was mainly designed for peacetime, which led to emergence of a significant number of problems in providing humanitarian aid during armed conflict. In particular, due to: complexity of the procedures for accreditation of humanitarian organizations and obtainment of official recognition of professional qualifications of foreign specialists; problems with customs clearance and taxation of humanitarian aid; the absence of a mechanism of interaction between humanitarian organizations and public authorities and local self-government bodies; inability of international and national humanitarian organizations to promptly provide humanitarian aid in the territory of the conflict, and so forth.

During 2014–2015 the law has been amended six times, in particular regarding: strengthening the material and financial support of the national defense capacity; efficiency of decision-making; prevention of delaying the timing of the state sanitary and epidemiological, veterinary and sanitary, phytosanitary, environmental and radiological monitoring of humanitarian aid and so forth. Thus, for example, humanitarian aid, which is exempt from taxation, includes vehicles entering during the period of the conduct of anti-terrorist operation for the obtainment and use by the Armed Forces of Ukraine, the National Guard of Ukraine, other military groups formed in accordance with the laws of Ukraine, the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the State Border Guard Service of Ukraine, the State Emergency Service of Ukraine, the State Special Transport Service, the State Service of Special Communication and Information Protection of Ukraine to ensure the conduct of anti-terrorist operation (item 3 of Article 6). However, even after that, both donors and recipients of humanitarian aid continue to face challenges (for example, regarding the delivery of humanitarian aid to people who remained in the area of armed conflict in Donbas).<sup>76</sup>

Adopted later than in than six months after the beginning of active military operations, the Procedure for the provision of humanitarian and other aid to the population of Donetsk and Luhansk regions, approved by the Resolution of the Cabinet of Ministers of Ukraine of 30 January 2015 No. 21<sup>77</sup>, has been criticized by experts of the civil initiative “Revival of Donbas”. Having studied the document they came to the conclusion that it did not solve the problem of providing humanitarian aid to residents of the territories uncontrolled by Ukraine, but also created additional difficulties. The reason for that – understatements in the wordings of the Procedure and gaps in the current legislation. In turn, they suggested:

1. To provide for the opportunity of the regional state administrations to recognize certain goods and cargoes as humanitarian aid. This applies, above all, to food products, medicines and basic necessities for the recipients;
2. To amend the Law of Ukraine “On Humanitarian Aid” and to establish that the recipient of humanitarian aid can be not only a legal entity, but also a natural person registered in the Register of ATO volunteers;

3. To complement the Tax Code of Ukraine with the provisions stating that any aid received by volunteers and persons who have received it in the form of not only medicines, but also food products, shall not be taxed as income;
4. To amend the Customs Code and the Tax Code of Ukraine and the Law of Ukraine “On Humanitarian Aid”, which shall establish that the registration of humanitarian aid can be conducted not only according to the decision of the Ministry of Social Policy, but according to the decision of the RSAs;
5. To amend the Law of Ukraine “On Humanitarian Aid”, which shall establish that the Ministry of Social Policy and the Cabinet of Ministers in the event of conduct of ATO shall adopt a simplified procedure for the provision and distribution of humanitarian aid;
6. To amend the Interim Order of Crossing the Border with the ATO Zone, which shall provide that humanitarian aid shall be transported based on a document on recognition of a cargo as humanitarian aid not only from the Ministry of Social Policy, but also from RSAs;
7. To approve at the level of the Ministry of Social Policy at the Cabinet of Ministers a procedure for simplified provision of humanitarian aid, which shall govern the recognition of a cargo as humanitarian aid, formation of groups for provision of aid, communication with the State Fiscal Service, drawing up of acts on provision of aid.<sup>78</sup>

Due to the fact that the existing laws were not fully adapted to the possible crisis situations, including such as the anti-terrorist operation in the East of Ukraine, on 1 April 2016 the Verkhovna Rada of Ukraine registered the Draft Law of Ukraine “On Humanitarian Aid in Crisis Situations”.<sup>79</sup> However, **it also has some drawbacks both of technical and substantive nature:**

1. Article 1 defines the concept of “international humanitarian organization” listing specific types of associations, to which this concept is applied: “agencies and the United Nations bodies, as well as foreign non-profit non-governmental organization registered in accordance with the laws of its country of origin, which expressed a desire to provide humanitarian aid, International Red Cross and Red Crescent Movement and international humanitarian organizations”. However, as we see, the authors of the Draft Law could not clearly answer the question concerning to what entities it applied and to clearly establish the scope of this concept. As a result, they made a logical error – “definition shall not make a circle that is the concept defined cannot be defined in terms of itself” – having determined that the international humanitarian organization is an international humanitarian organization.
2. There is a terminological inconsistency: the Law of Ukraine “On Humanitarian Aid” highlights donors, receivers and recipients of humanitarian aid; while the Draft Law “On Humanitarian Aid in Crisis Situations” – donors of medicines and medical goods, donors of food products and recipients of humanitarian aid. As we can see, the term “donor” is planned to be used only in regard to the two types of humanitarian organizations. Despite such category as “receivers” although in general has been removed from Article 1 of the Draft Law, which provides definitions of the concepts, it is still contained in its text (Article 32 “The order of entry of persons, importation of goods in the territory of crisis situation”). Definition of the term “recipients of humanitarian aid” also causes difficulties in its perception and interpretation of the (Article 1). Syntactic analysis of this definition allows concluding, that recipients include the following categories:
  - 1) individuals affected by a crisis situation, institutions, organizations, legal entities carrying out their activity without the purpose of making profit in the field, including but not limited to, social security, health care, education, rehabilitation, physical culture and sports;
  - 2) public associations; enterprises of public organizations of persons with disabilities, veterans of war and labor;

<sup>75</sup> On humanitarian aid [Electronic resource]: The Law of Ukraine of 22 October 1999 No. 1192-XIV. – Access mode: <http://zakon0.rada.gov.ua/laws/show/1192-14>

<sup>76</sup> Humanitarian aid to the residents living in the area of armed conflict has been blocked – the Rinat Akhmetov Humanitarian Center [Electronic resource]. – Access mode: <http://health.unian.ua/country/1094370-gumanitarnu-dopomogu-meshkantsyam-yaki-projivayut-u-zoni-zbroynogo-konfliktu-zablokovano-shtab-ahmetova.html>

<sup>77</sup> On approval of the Procedure for the provision of humanitarian and other aid to the population of Donetsk and Luhansk regions [Electronic resource] Resolution of the Cabinet of Ministers of Ukraine of 30 January 2015 No. 21 – Access mode: <http://zakon5.rada.gov.ua/laws/show/21-2015-%D0%BF>

<sup>78</sup> Procedure for the provision of humanitarian aid to residents of Donbas: analysis and proposals [Electronic resource]. – Access mode: <http://restoring-donbass.com/bez-rubriki/poryadok-pomocshi-donbassu/4660-poryadok-predostavleniya-gumanitarnoy-pomocshi-zhitylam-donbassa-analiz-predlozheniya/>

<sup>79</sup> Draft Law on humanitarian aid in crisis situations No. 4360 of 1 April 2016 [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=58615](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=58615)

- 3) enterprises, institutions and organizations financed at the expense of the budget funds;
- 4) legal entities carrying out of activities to provide humanitarian aid in compliance with the principles set out in this Law.

That is, among the recipients of humanitarian aid only in regard to the first category – the individuals affected and legal entities – the purpose of provision of such assistance is understandable. The second and the third categories – public associations; enterprises of public organizations and budget enterprises, institutions and organizations – will receive such aid even if neither they nor their members have been affected by the crisis situation. The fourth category in general can be referred to both recipients of humanitarian aid and its providers.

3. Having approved the structure of agencies on humanitarian aid issues in crisis situations (Article 4), further Section II does not define the powers of the Cabinet of Ministers of Ukraine, Ministries and other executive authorities in regard to the formation and implementation of the state policy in the field of humanitarian aid in crisis situations.
4. Unfortunately, the Draft does not provide for the establishment, maintenance and publication of statistics and generalized maps of humanitarian aid provided.
5. Section VI of the Draft Law requires completion, so as this provision (Article 34 “Responsibility for violation of legislation on the provision of humanitarian aid in crisis legislation”) lists the types of violations that may be committed by different subjects: officials of public authorities and local self-government bodies, enterprises, institutions and organizations, including humanitarian organizations; representatives of the said bodies and organizations that are not officials; members of illegal armed groups; natural persons, etc. In accordance with this, amendments to the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine, proposed in the final and transitional provisions, also require finalization.

Despite a rather significant amount of violations associated with humanitarian aid, information about bringing the perpetrators to justice is rather scarce. So, at present the current legislation does not contain any special rules that would provide for criminal or administrative responsibility for violations in the field of humanitarian aid provision. In this regard, there are no relevant statistics. For the commission of offenses related to the humanitarian aid provision, perpetrators can be brought to responsibility according to the general rules of law. However, the existing procedure for the maintenance of statistics in regard to crimes and administrative offenses does not provide for determining their precise amount.

Our analysis of court decisions on violations associated with humanitarian aid, included in the Unified State Register of Court Decisions on the public domain, also highlighted their unit character. Indeed, there are few judgments on cases under administrative suits in regard to violation of customs regulations (failure to take measures on the completion of the customs regime of the imported vehicle for its recognition as humanitarian aid)<sup>80 81</sup>; on the recognition as wrongful of actions of the department of labor and social protection of the population on the refusal to issue a certificate of registration of a person subject to relocation from the temporarily occupied territory of Ukraine or the area of conduct of antiterrorist operation (which, in particular, confirms the right to receive humanitarian aid)<sup>82 83 84</sup>.

jurisprudence in regard to crimes related to humanitarian aid is similarly small: according to Part 1 of Article 289 of the Criminal Code of Ukraine a resident of Poltava region was sentenced to restriction of liberty up to 3 years with a probation period of 2 years due to illegal seizure

in 2014 of a vehicle transferred to a volunteer assistance center in the town of of Komsomolsk intended for collection and transportation of humanitarian cargo<sup>85</sup>.

In addition, currently there is preliminary investigation of a criminal offense under Part 1 of Article 366 of the Criminal Code of Ukraine (Forgery) initiated due to the fact that Religious Organization “Patriarchal Charitable Mission/Missionary Society/Ukrainian Orthodox Church of Kiev Patriarchate”, under the guise of humanitarian aid, declared for customs clearance the goods that actually did not meet the requirements of the Law “On Humanitarian Aid” and that probably were supplied to Ukraine for commercial purposes, and the documents provided for customs clearance contained false information<sup>86</sup>.

According to the same article there is a preliminary investigation in regard to the Charity Organization All-Ukrainian Charitable Fund “Edelweiss”, which, under the guise of humanitarian aid, declared for customs clearance the cargo that actually did not meet the requirements of the Law “On Humanitarian Aid” and was of commercial nature. Consequently, there are risks that cargoes that enter the customs territory of Ukraine under the guise of humanitarian aid without payment of the relevant customs duties are subsequently sold for cash as the second-hand goods, resulting in profit for officials of the Charity Organization All-Ukrainian Charitable Fund “Edelweiss” that is not subject to taxation according to the statutory procedure<sup>87</sup>.

The Unified State Register of Court Decisions also contains the Ruling of Zhovtnevyi District Court of the city of Kryvyi Rih of 26 August 2014 in regard to collection by an unidentified person of money and humanitarian aid to help people staying are in the ATO zone carried out without the permission provided for by the legislation of Ukraine, by fraud, on behalf of the Staff of the national defense of Dnipropetrovsk region.<sup>88</sup> However, there is no other information in regard to the progress of criminal proceedings in this case.

80 Decision of Ternopilskiy Municipal and District Court of 10 February 2016 in case No. 607/649/16-a [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/56355891>

81 Decision of Synelnykivskiy Municipal and District Court of Dnipropetrovsk region of 13 August 2015 in case No. 191/1505/15-a [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/50323972>

82 Decision of Ordzhonikidzevskiy District Court of the town of Mariupol of Donetsk region of 27 February 2015 in case No. 265/7852/14-a [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/42918212>

83 Decision of Ordzhonikidzevskiy District Court of the town of Mariupol of Donetsk region of 2 November 2015 in case No. 265/5354/15-a [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/53376914>

84 Decision of Ordzhonikidzevskiy District Court of the town of Mariupol of Donetsk region of 29 April 2015 in case No. 265/1364/15-a [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/43954553>

85 Verdict of Komsomolskiy Municipal Court of Poltava region of 8 February 2016 in case No. 534/917/15-k [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/56133511>

86 Ruling of Solomianskiy District Court of the city of Kyiv of 9 March 2016 in case No. 760/4400/16-k [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/56320221>

87 Ruling of Solomianskiy District Court of the city of Kyiv of 14 January 2016 in case No. 1-кк/760/326/16 [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/56874960>

88 Ruling of investigating judge of Zhovtnevyi District Court of the city of Kryvyi Rih of 26 August 2014 in case No. 212/9063/14-k [Electronic resource]. – Access mode: <http://www.reyestr.court.gov.ua/Review/54373106>



### 3. Report on interview with Enrique Menendez, member of the Responsible Citizens Organization

**A MEETING** with a member of *Responsible Citizens Organization Enrique Menendez*, who spoke about the work of the organization and the humanitarian situation in “DPR”, was held on 4 March 2016 in the office of UHHRU.

Before official registration in May 2014 Responsible Citizens worked as a volunteer group and have not left Donetsk. The organization was officially registered in July 2015 in Kramatorsk and worked exclusively in the territory of Donetsk region uncontrolled by Ukrainian authorities. The group acted as a partner of international organizations such as Save The Children, Danish Refugee Council, People in Need and others, and also collaborated with the Rinat Akhmetov Foundation.

The peculiarity of their activities was the provision of targeted aid to people in hardship who did not fall under any of the categories of people entitled to obtain aid. The group also delivered humanitarian aid to remote villages and settlements.

A part of aid was bought directly in Donetsk, another part came in the form of humanitarian cargoes from other organizations to the warehouse in Mariupol. Basically Responsible Citizens handed out personal hygiene products, household chemicals, helped to prepare children to school and delivered food packages from the Rinat Akhmetov Foundation. Considerable assistance was delivered owing to private sponsors.

Also Responsible Citizens had a project to restore the damage, for example, a joint project with People in Need to restore social infrastructure in Vuhlehirsk and Debaltseve: playgrounds, lights, kindergarten.

Mr. Enrique told us that firstly a part of the Russian humanitarian aid was stolen, but at present it occurs rather rarely. Basically aid from the Russian Federation is distributed in state institutions and people do not obtain it directly.

He also explains some complaints about low-quality products from Russia: with the beginning of the Ukrainian blockade the Donetsk businessmen were forced to rely on procurements from Russia, and since the market had not been known to them, first procurements were not entirely successful: there were products of poor quality. In some time they adapted and the problem was eliminated. According to the volunteer, there are some goods the quality of which is similar to Ukrainian, and there are even better goods, but they are more expensive. For example, yogurt “Activia” is a premium-quality product in the Republic. It is produced at Russian plant Wimm-Bill-Dann and it costs 1.5 times as much as in Ukraine. There are also Ukrainian goods on the shelves, but since they are imported through Russia, their price increases and they also become elite goods.

Now the situation is still very complicated. “State” payments provided to vulnerable categories are small. Those pensioners who have registered payments both in Ukraine and DPR live in satisfactory conditions, and those who have registered payments only in DPR – don’t. Some are forced to support the whole family having only a pension. Donetsk remains dependent on humanitarian aid and subsidies from Russia. Significant support is provided by the Rinat Akhmetov Foundation: all people aged over 60 receive good food packages. They share them with others in need. But many people in need do not fall under any of the categories of humanitarian organizations.

There is a large number of the unemployed: according to some sources, there are about 145 thousand unemployed in Donetsk. “Today around 850,000 people live in Donetsk. In peacetime the city had 270 000 pensioners and about 60-80 thousand children. Based on these figures, there

is 550 thousand of working population in the city. This is about 1/5 of the population, which means that unemployment is over 20%”. Production of many entrepreneurs idle, revenue of population fell down by 75%, and wages are paid with a delay. According to businessmen, revenue in the UAH equivalent decreased by 10 times compared to the peacetime.

Regarding medications – they are available, but expensive. Russian analogues of medications are cheaper, and if there are no analogues and medicines are imported, they will cost 3 times as much as in peacetime through the excise taxes. For example, spray for asthmatics “Berodual” costs 250 hryvnias, and per month 2 packages are needed. At present, if to convert in hryvnias, it costs 450 hryvnias, that is, 900 hryvnias per month – it is very expensive.

The situation is deplorable in villages, because some of them have neither hospitals, nor pharmacies. “The farther from Donetsk, the worse the situation is. For example, humanitarian situation is severe even in Horlivka. As for the “gray zone”, the UN estimated that about 300 thousand people live there on both sides – and they live equally bad”. Having left the “hot line” number in one of the villages of Novoselskyi district, for 2 days volunteers received 80 specific requests from 16 villages in the area, taking into consideration the fact that the one family could file one request.

After Ukraine has introduced a mandatory accreditation of all humanitarian cargoes sent to the ATO zone, despite the difficulties, the organization began to work according to the new rules.

On 27 April 2015 Olga Kosse, one of the founders of the organization, wrote in the group of Responsible Citizens in social networks: “For 2 month we could not bring parcels with children’s clothes and hygiene products. At checkpoints we were turned back twice. From Volnovakha we were sent to Kurakhovo (allegedly only there cargoes may pass), and in Kurakhovo without the permission from the Ministry of Social Policy they only can clap on your shoulder with sympathy”.

Having registered cargoes in the department of the Ministry of Social Policy of Ukraine, volunteers faced with another problem – “DPR” also required the mandatory accreditation of cargoes. It was impossible to obtain such accreditation – there was a moratorium on the registration of public organizations in “DPR”. Some part of cargo they managed to bring in as personal luggage and all the rest was returned to donors due to inability to perform the contract. Thus, recipients could not receive about 20 tons of supplies with personal hygiene items.

On 29 January 2016 in Donetsk “the Ministry of State Security of DPR” arrested the head of the volunteer group Responsible Citizens Maryna Cherenkova on suspicion of spying. After questioning in “the Ministry of State Security of DPR”, on 2 February Enrique Menendez, Dmytro Shybalov and Yevhen Shybalov were deported from “DPR” to the territory controlled by Ukrainian authorities. Olga Kosse was deported on 15 February. On 22 February Maryna Cherenkova was released and deported as well.

Currently the work of the organization on the territory of DPR is blocked. Volunteers continue to help the residents of Donetsk as members of other humanitarian organizations.

## 4. Results of the monitoring mission “Access to humanitarian aid” of Ukrainian Helsinki Human Rights Union

**Purpose of visit:** collection of information on the access of target groups of population to humanitarian aid

**Venue:** the town of Kramatorsk (Donetsk region).

**Dates held:** 21 – 26 March 2016

**Objectives:** to conduct a survey of temporary displaced persons and persons providing humanitarian aid in regard to access to it.

**Methods:** interviews, questionnaires

### Visit description

Staying in Eastern Ukraine directly next to the ATO zone highlighted a number of urgent problems in the access to humanitarian aid for residents in need. During the stay in the town of Kramatorsk meetings with heads of public associations and volunteers who provide humanitarian aid were held, as well as meetings directly with displaced persons (internally displaced persons – IDPs) – recipients of aid.

21 March 2016, the town of Kramatorsk

**Deputy Chairman of Donetsk State Administration for Humanitarian Affairs Stokoz I. S.** noted that there were difficulties with the inventory and disposal of facilities on the line of contact. There are also difficulties in obtaining social benefits by residents of the village of Zhovanka, which is located in the liberated territory, and is subject to Gorlovka. Its accession to Bahmutivskyi district has been initiated.

Only several organizations, such as People In Need, UNDP, Caritas, Shelter, the World Food Programme, Mercy Corps, International Organization for Migration, work in the “gray zone”. There is no humanitarian disaster. *There is a glut of humanitarian aid in the “gray zone”, but districts distant from the demarcation line drop off the grid.* Representatives of organizations perform the cross section of needs and the delivery of humanitarian aid, or they may receive such information and statistics of social services.



Interview with Mr. Stokoz

Among the facts of sale of humanitarian aid the respondent noted the following – some of the residents of the dwelling house in the village of Nikolaievka, which was destroyed and rebuilt at the expense of the budget funds, removed and sold the doors and bathroom fixtures from their apartments. After that, fact of theft was claimed. The house cannot be put into operation, the residents demand new doors and bathroom fixtures. There were facts of trading in humanitarian aid in the village of Hranitne in complicity with the head of the village council.

*In the course of discussion the adviser on issues of internally displaced persons, coordinator of the organization “SOS-Kramatorsk” Voroshkov O. L.* noted that the organization was working primarily as a partner of international organizations: UNICEF in Donetsk and Luhansk regions,



Conversation with Mr. Voroshkov

the UN Agency for Refugees (UNHCR) in Kramatorsk, Druzhkivka, Sloviansk, Bakhmut (former Artemivsk) Dobropillia, Krasnoarmiisk. Some organizations use their base.

As for the distribution of humanitarian aid, he said that it was delivered only to known places. To those villages that no one has heard of and those located 15 km away the aid was not delivered. But in particular there the senior citizens and people with limited mobility resided and needed help. According to the respondent, big cities receive excessive amount of humanitarian aid. *More weighted logistic of its distribution is required.*

Regarding the obstacles to operation of the organization, he noted that the forwarding agent of the organization “SOS-Kramatorsk” was threatened and subjected to moral pressure at the checkpoints of the Armed Forces of Ukraine (AFU) when he was delivering humanitarian aid to the villages in the “gray zone”. Voroshkov also noticed that they informed the representatives of the civil-military cooperation of the Armed Forces of Ukraine before leaving to the said settlements with humanitarian aid (<http://cimic.com.ua/>). They received information in regard to vehicle, which would carry humanitarian aid, data about people accompanying the humanitarian cargo, as well as the route of movement. Operations of the group of the civil-military cooperation of the Armed Forces of Ukraine include coordination between the civilians and military officers. Namely, “... the interaction of the AFU with the executive authorities, local self-government bodies, public associations, organizations and citizens in the areas of stationing of military units and subdivisions of the Armed Forces of Ukraine”.

22 March 2016, the town of Kramatorsk

Communication with the **volunteers of public organization “SOS-Kramatorsk” Yuliia** (left from Horlivka where she worked as a teacher of the Ukrainian language) **and Khrystyna** (left Donetsk because her husband was the nephew of the Colonel of the Ministry of Internal Affairs of Ukraine) provided the following information:

- *As on the date of conversation, about 70 thousand of displaced persons have been registered in Kramatorsk, and this number is constantly growing. Volunteers made this conclusion based on the numbers of certificates that are issued to displaced persons seeking for aid.*
- *At the same time, volunteers implicitly recognize the fact that the majority of IDPs receiving aid reside in the occupied territories. The real number of IDPs permanently residing in Kramatorsk is no more than 10 thousand people.*
- *In 2015 volunteers distributed: food aid – in February; bed-clothes, linen, iron cookware – in May and June; folding beds – in August and September; blankets, jackets, thermal underwear, bags, etc. – at the end of December.*



Location of the public organization “SOS-Kramatorsk”: Maiakovskoho str., 9



- Volunteers did not report of any threats to their activities, so they did not consider their work dangerous.
- One of the main problems is the lack of jobs, especially for young people who do not have children and for middle-aged people who do not have the right to receive a pension, but have working experience in a particular area (usually associated with work in the mines or in the heavy industry).
- The problem of the abuse of aid arose because population having the right to receive humanitarian aid is not in hurry to get a job (because being unemployed they receive more “indirect” benefits). They do not try to leave in search of work to central or western regions of the country or change the profile of their profession. In addition, such persons often exchange humanitarian aid received to other things. As an example: certificates of the chain of shops “Brusnichka” were provided such that some items (alcohol, tobacco, etc.) were blocked. However, displaced persons, while being in the store, offered other buyers to exchange of purchases (i.e. the latter bought alcohol and gave it to displaced persons, while displaced persons gave them the necessary products purchased on their card).
- Public authorities, in fact, do not help the displaced persons. As a rule, departments of social protection simply forward people to humanitarian organizations.
- During interviews with volunteers (lasting up to 1 hour) three internally displaced persons visited the office rented by the public organization.
- It should be noted that the premise where the volunteers are based, is very small, narrow and uncomfortable for reception of visitors. It is both unsuitable for reception of citizens and inconvenient for volunteers’ work.

Warehouse of the public organization “SOS-Kramatorsk”, located at Maiakovskoho str., 8, gratuitously leased by volunteers from the Christian church (except for payment of utility services), has three employees, all of them are displaced persons. At the time of acquaintance and conversation there were three volunteers in the warehouse. They also willingly communicated with the monitors and there were no inconveniences. As volunteers explained, *currently the volumes of aid decreased, although they received it from time to time*. All items and products are handed out according to the list, prepared by them. In addition, displaced persons often call to the “hot line” and personally visit the warehouse to find out information about “new supplies”.

During a conversation (about two hours), in fact, people called on the phone calls and visited the warehouse. As a rule, people asked about children’s stuff – clothes, pumpers and seasonal clothing for adults. Volunteers also confirmed the fact that *citizens of a certain category registered in many, if not in all, public organizations and charity funds and were aware of all the news about the distribution and arrangement of aid, upcoming supplies and the grounds for receipt*.



Photo of the warehouse of the public organization “SOS-Kramatorsk” located at Maiakovskoho str., 8

23 March 2016, the town of Kramatorsk

On 23 March 2016 **monitoring visit to the public organization “Country of Free People”** was carried out.

In the two-storeyed building, in addition to the public organization, there is a point of hand-out of humanitarian aid and a compact settlement of IDPs under the responsibility of the said public organization. At the time of visit there were about 40 people, including 25 children in the settlement. Accommodation of displaced persons in this house became possible due to its gratuitous lease from Christian church. According to the head of organization **Nadiia Khomenko**, people tend to live there for 2-3 months. As for the aid they receive, it is distributed according to lists of the organization (another large supply of humanitarian aid is expected on 28 March 2016).



Meeting with Nadiia Khomenko

During the conversation Ms. Khomenko said that really, *at the beginning of liberation of the town from occupation they received a lot of aid. Currently there was a significant decrease, and the main issue arisen was obtaining medicines*. Medical aid in the form of medications was needed continuously, especially for the senior citizens who could not support themselves.

In addition, there is a problem with local residents who do not have the right to receive aid, but who, after payment of invoices for utilities, face with another problem – the lack of money for living. Also the *problem of the lack of jobs and the problem of “humanitarian needle” were confirmed. Often people come to the point of hand-out only to renew wardrobe and, in addition, they take things that are not essential for them in order to smuggle them to relatives and friends in the occupied territories (in the worst case – for sale)*. Also, there is an issue with the cards of the chain of shops “Brusnichka”, reported by the volunteers of the public organization “SOS-Kramatorsk”.

With regard to the occupational safety, usually volunteers do not have any problems with this. At the same time, representatives of the organization had problems when they transported aid to the residents of the “gray zone”. *At the end of 2015 military personnel of the AFU roughly and defiantly stopped the vehicle with humanitarian aid and, despite the fact that the car make, its number, names of the driver and the volunteers had been agreed in advance, for a long time detained representatives of the public organization at the stationing of the AFU without a possibility to make a call, and in addition conducted illegal searches of cargo. On the other hand, the military personnel, being aware that there were children in the settlement, several times brought them sweets*.

24 March 2016, the village of Novhorodske

Visit on 24 March to the settlement of Novhorodske (Dzerzhynskyi district), located in the “gray zone”, revealed another problem of access to humanitarian aid, namely, *a limited number of organizations that provide it*.

So, if in large cities located at a safe distance from the occupation zone, humanitarian aid (including, for example, more or less qualified legal aid) is provided by several organizations, which are almost competitors, small towns, settlements and villages do not have such capacities. For example, in Novhorodske aid to displaced persons is provided by the Foundation “Help” once a month and periodically – by the Red Cross (warehouse located near the railway station “Fenolna”). Conversation with displaced persons showed that the said organizations had their own databases of persons in need of aid and informed them about the arrival of another supply

(displaced persons showed invitations to receive aid, so as on the day of visit 24 March 2016 the Foundation “Help” handed out food packages).

Communication with displaced persons demonstrated the following: *most of them said (not for record) that they were living in the occupied territories (usually all of them were from Horlivka or Yasynuvata). They actually receive allowances both from the state and, if possible, a pension or another allowance in Russian rubles from the so-called “DPR”. Some of respondents work in the occupied territories, thereby supporting a more or less normal life. At the same time, residents of small villages and settlements, directly close to the conflict zone, are deprived of possibility to receive humanitarian aid, as it is carried out in the town of Kramatorsk, because humanitarian organizations usually do not visit them. Such aid is limited to the activities of the two organizations – the Foundation “Help” and the Red Cross.*

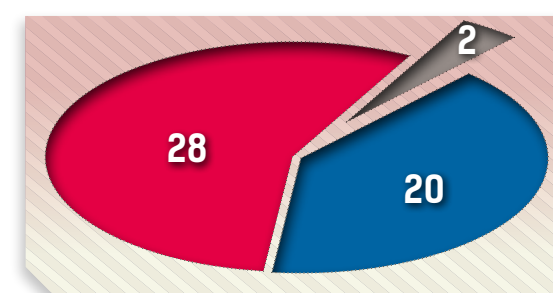
25/03/2016, the town of Kramatorsk

During the monitoring visit to Kramatorsk the meeting with *the Head of the regional office of the United Nations Human Rights Monitoring Mission in Ukraine Rumer Lemaitre* was held. The meeting gave no outcomes, except the acquaintance. Mission is more interested in the issue of infringement of rights to social or legal protection than in the issue of humanitarian aid.

## 5. Results of surveys of internally displaced persons in need of humanitarian aid

**DURING** the visit we carried out anonymous survey of **50 internally displaced persons in need of humanitarian aid** using a specially designed questionnaire (Annex B). In the survey and interviewing all displaced persons were visibly nervous, they were afraid to answer the questions and fill in the questionnaires. Only the presence of friends and volunteers, representatives of public organizations provided the opportunity to undertake the necessary actions. This may indicate the signs of posttraumatic stress disorder, which are manifested in the fact *that up to the present day they do not feel safe; they perceive strangers as a potential threat; they are afraid to express their true thoughts and feelings* (“what if something happens”, “what if someone finds out and punishes me”). At the same time, the displaced persons, who are volunteers, willingly contacted and provided answers to all questions. Results of this survey are presented below.

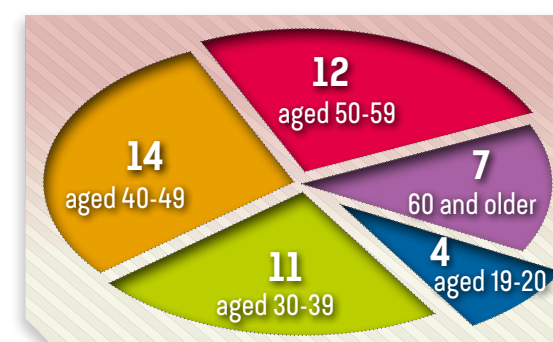
Fig. 1. Distribution of respondents by sex



Following the processing of questionnaires we found out that among respondents were 28 women and 20 men. Two persons when filling in questionnaires did not specify their gender.

Depending on the age, respondents were distributed as follows.

Fig. 2. Distribution of respondents by age



As we can see from the diagram, among recipients of humanitarian aid interviewed there were no children and young people aged 21 through 29. Other age groups are represented rather equally. Dual distribution of respondents by age and sex showed that in almost all age groups individuals of both sexes are represented proportionally. Only among people aged 40 through 49 men significantly prevail (table 1).

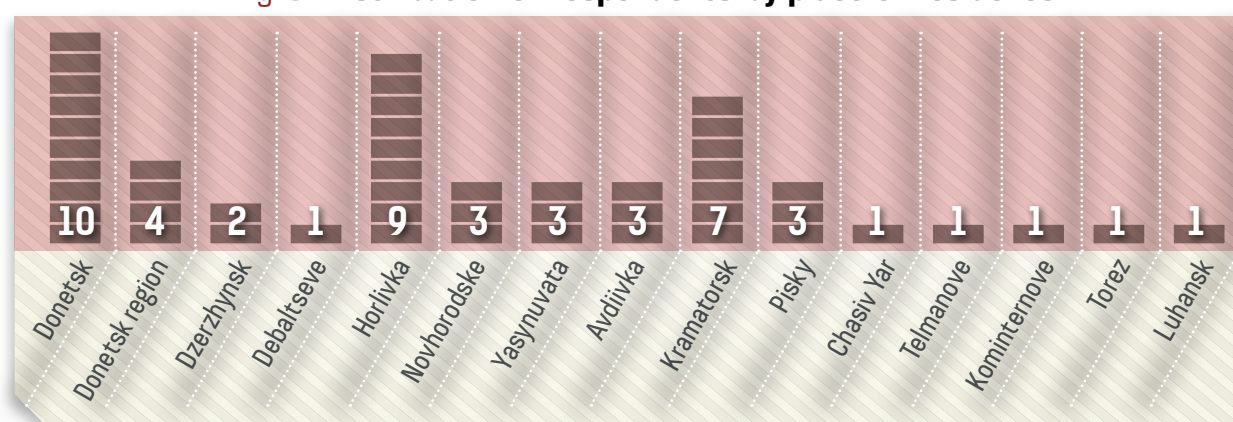
Table 1. Distribution of respondents by age and sex

	Total number of persons	from among them:	
		men	women
aged 19-20	4	2	2
aged 30-39	11	5	6
aged 40-49	14	12	2
aged 50-59	12	7	5
60 and older	7	3	4

When asked about their place of residence, the greatest number of people named the city of Donetsk (10), Horlivka (9) and Kramatorsk (7). Between 1 and 4 respondents were from other localities.

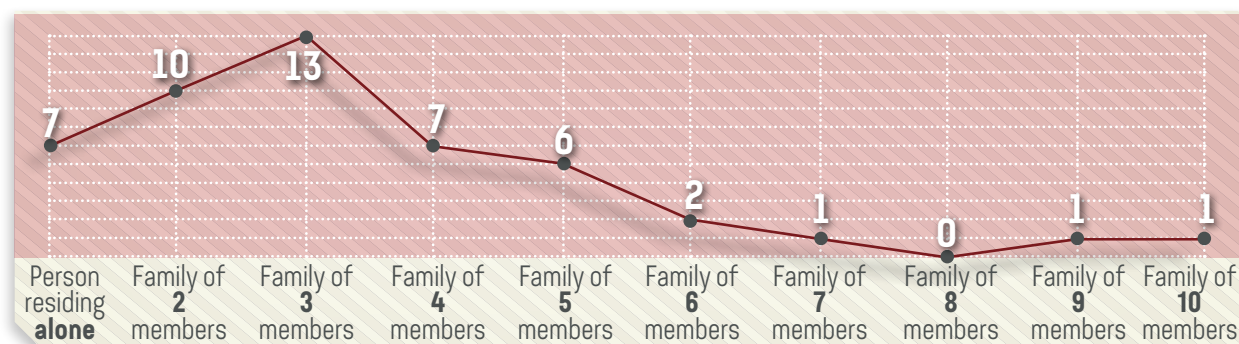


Fig. 3. Distribution of respondents by place of residence



The survey showed that it is easier to take the decision to move from the conflict zone to an unknown place and stay there for a long time for little families. Instead, the more members a family has, the more difficult it is to leave the acquired household and to start all over again in a new place.

Fig. 4. Distribution of respondents depending of the family composition



During the survey we asked respondents, using the scale from 0 to 10, to assess the threat of hunger to the residents of their locality during armed conflict (table 2).

Table 2 Distribution of the degree of threat of hunger depending on the place of residence of respondents

	0 points	1 point	2 points	3 points	4 points	5 points	6 points	7 points	8 points	9 points	10 points
Donetsk	4	1			2				1	1	1
Zhdanivka											3
Dzerzhynsk	1								1		
Debaltseve									1		
Horlivka		3	2	1		2					1
Novhorodske		2	1					1			
Vodiane						1			1		
Avdiivka	1	1			1	1					
Kramatorsk			2	1							1
Pisky						1	1				1
Chasiv Yar				1							
Telmanove					1						
Kominternove	1										
Torez	1										
Luhansk	1										
Krasnohorivka											1
Yasynuvata								1			

Most of them assessed the degree of threat of hunger as very low (0-1 point) – 16 persons, low (2-3 points) – 8 persons and average (4-6 points) – 10 persons; 6 persons, residents of Donetsk, Dzerzhynsk, Debaltseve, Novhorod, Vodiane (Yasynuvata), Yasynuvata, considered it high (7-8 points); 9 persons, residents of Donetsk, Zhdanivka, Horlivka, Kramatorsk, Pisky and Krasnohorivka, rated the risk of hunger in their localities as very high (9-10 points).

In addition, we asked displaced persons to specify a period when threat of hunger was the highest (table 3).

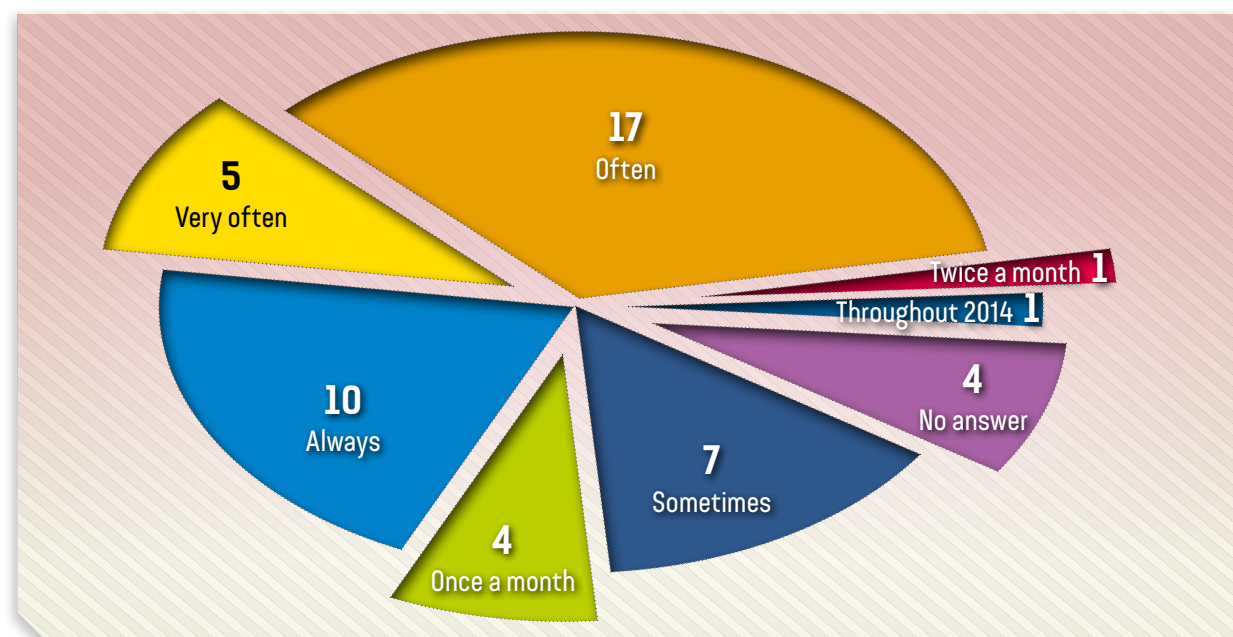
Table 3 Distribution of the time of the highest threat of hunger depending on the place of residence of respondents

	None	2014					2015					Only during conflicts	Constantly during 2014-2015
		throughout the year	spring	summer	autumn	winter	throughout the year	spring	summer	autumn	winter		
Donetsk	4				1		1			2			2
Zhdanivka					3								
Dzerzhynsk	1	1											
Debaltseve											1		
Horlivka	1	3			1						1	1	1
Novhorodske	1	2											1
Vodiane (Yasynuvata)				1		1							
Avdiivka	2	1		1									
Kramatorsk				2							1	1	1
Pisky				2		1							
Chasiv Yar						1							
Telmanove					1								
Kominternove	1												
Torez	1												
Luhansk	1												
Krasnohorivka				1									
Yasynuvata		1											

Periods of crisis conditions identified by respondents correspond to the chronology and the intensity of hostilities in Eastern Ukraine, as well as to the time of departure of respondents to the territory controlled by Ukraine.

Unfortunately, most of the internally displaced persons still haven't adapted to the change of place of residence, haven't found their place in the new community and haven't become economically independent. Indeed, despite the fact that only 14% of respondents have reached the age of 60, at present 70% of respondents experience a significant need for humanitarian aid. In particular, in regard to a question how often respondents and their families feel the urgent need for humanitarian aid, 10 persons answered "always", 5 persons – "very often", 17 persons – "often".

Fig. 5. Frequency of urgent need of respondents' family members in obtaining humanitarian aid



Almost all of them know where they can get it. However, only one person noted that there were not any of such places within a reasonable reach. All the others have one (8 persons) or more (41 persons) places. This is another conformation of the fact that displaced persons significantly count on not own efforts, but on external aid so far.

Fig. 6. The number of places of provision of humanitarian aid within the reach



Displaced persons named organizations that provide them with aid. In particular, these are UNICEF (4 persons), the Rinat Akhmetov Foundation Akhmetov (27 persons), the Red Cross (24 persons), "Help" (5 persons), "SOS-Kramatorsk" (11 persons), "People in Need" (5 persons), Safe The Children (1 person), Caritas (4 persons). Since one person could receive aid from several organizations, the total number of responses exceeds 50.

Answers to the question "How can you and your family members learn about places and times of hand-out of humanitarian aid?" were as follows: from the Internet (7 persons), from volunteers (13 persons), by phone (6 persons), from friends, neighbors, acquaintances and relatives (15 persons), from announcement (1 person). 8 people did not answer the question.

According to respondents, the said organizations hand out humanitarian aid rather regularly: once a month (21 persons), several times a month (11 persons), once a week (4 persons), once in every 3 months (1 person). Two persons noted that hand-out was performed following no particular pattern, one person – that there was no clear frequency, hand-out in their areas was performed at the discretion of the organizations, and 3 persons – that seldom. Seven persons could not answer the question.

The procedure of handing out of humanitarian aid by organizations is quite organized: per the list (38 respondents); firstly it is given to persons with disabilities, elderly people, women with children, pregnant women, and the rest – to everyone else who came (9 respondents); to everyone who came on a first-come, first-served basis (7 respondents); upon presentation of the IDP's certificate (1 person). Five persons could not answer the question.

Regarding the violation by military officers of obligation to respect and protect personnel of humanitarian organizations who deliver aid, internally displaced persons surveyed in regard to their locality reported the following:

- 4 persons were aware of cases of assaults on the personnel of humanitarian organizations;
- 1 person was aware of cases of persecution, intimidation or arbitrary detention of the personnel of humanitarian organizations;
- 1 person was aware of cases of ill-treatment, physical and psychological violence, homicide, beating, abduction, hostage-taking, unlawful arrest and detention of the personnel of humanitarian organizations;
- 1 person was aware of cases of blows on facilities, materials, subdivisions or vehicles used in the provision of humanitarian aid to him/her.

None of respondents was aware of cases of destruction, misappropriation or looting of such facilities.

In addition, they pointed to the existence of individual cases of inhuman treatment of military officers towards the civilian population. In particular:

- 2 persons pointed to cases where during the siege the residents of their locality were not allowed to leave the place of residence;
- 3 persons pointed to cases where during the siege of their locality the free transportation of food products and basic necessities to the city/town was not allowed;
- 4 persons pointed to facts of attack on, destruction and removal of or damage to facilities necessary for the survival of the civilian population;
- 1 person pointed to facts, when any of the parties of armed conflict did not let free passage of any packages with medical and sanitary products intended only for civilian persons, as well as did not let free passage of any packages with necessary food products, clothes and hygiene items.

In addition in some cases have been observed:

- facts of refusals to a humanitarian organization to give consent to the provision of humanitarian aid, when the residents of your locality were threatened with hunger (1 person);
- facts of deliberate obstructing the delivery by a humanitarian organization of cargo and aid to civilians in need in the locality (2 persons).

No one from the persons surveyed pointed to any facts of preventing the civilian population of a locality to apply to humanitarian organizations.

7 persons surveyed indicated that they were aware of cases of sale/resale of humanitarian aid.



## Conclusions and recommendations

**1.** At present, there is no generally recognized right to humanitarian aid in international contract law. In modern international law there is no separate specialized act that would regulate the provision of humanitarian aid. There are a few individual acts, which refer to certain aspects of this problem, but almost all of these acts govern the provision of aid in situations of some accidents, but no armed conflicts. Similarly, draft Convention on the Protection of Persons in the Event of a Disaster, developed by the UN Commission on International Law, at first “excluding events such as armed conflict”. However, in a later version of Article 3 the definition of “disaster” has no longer directly excluded a situation of armed conflict. Accordingly, there is a problem regarding the relationship between the rules of the international humanitarian law and the future Convention, so that there may arise confusion and conflict of rules. We propose:

- *study positive and negative aspects in the organization and receipt of humanitarian aid by Ukraine under the conditions of armed conflict;*
- *to generalize this experience, identifying the most important issues that could and could not be solved, then to propose the relevant comments and observations on the draft UN Convention on the Protection of Persons in the Event of a Disaster;*
- *in order to effectively investigate the specific cases of violations of international humanitarian law in terms of the provision of humanitarian aid – to take the necessary measures for the ratification by Ukraine of the Rome Statute;*
- *to make amendments to the legislation of Ukraine concerning the criminalization of gross violations of the humanitarian aid legislation.*

**2.** The threat of hunger to residents of the conflict zone in Donbas was highest during active military operations in the second half of 2014 – the first half of 2015. Nevertheless, even today localities on the contact line live under the conditions of constant shortage of food and medical supplies due to impaired administration, destroyed logistics and continuous bombardment. The controlled territory of Donbas is overburdened due to a rush of displaced persons. Socio-economic infrastructure of the conflict-affected region does not provide for the use of the labor potential of internally displaced persons to the full extent and to ensure normal living (especially for such vulnerable categories as children, persons with disabilities).

The lack of, on the one hand, the willingness to look for job and work in other regions of the country, on the other hand – the lack of workplaces at the place of residence create a problem of excessive load for the constant maintenance of a large number of people of working age. In connection with this we propose:

- *with the participation of local authorities and local self-governments to develop a thought-out strategy for the development of each settlement taking into account the active involvement of internally displaced persons in economic and social life of the community;*
- *if necessary – to appeal to national and international donors with a request for consulting, financial and resource assistance in planning and implementation of such a strategy.*

**3.** Study of the situation of humanitarian aid provision both in the territory controlled and uncontrolled by Ukraine showed substantial number of violations in this field:

- humanitarian aid is subject to stealing and resale;
- humanitarian aid often consists of food products and medicines with shelf life that has already expired or is about to expire;
- there have been cases of obstructing the delivery of humanitarian cargoes and the difficulties with the accreditation of humanitarian missions on the part of both authorities of Ukraine and of illegal armed groups “DPR” and “LPR”;
- in some areas where transport ion and hand-out of humanitarian supplies is carried out there

have been shelling and facts of mine-laying.

This proves a low efficiency of the system for monitoring the receipt, distribution and quality of humanitarian aid, combating corruption in this field, poor coordination of work between humanitarian organizations and the Armed Forces, where a group of civil-military cooperation of the Armed Forces of Ukraine acts as an intermediary. **To solve these problems it is proposed:**

- to develop an effective mechanism for monitoring the receipt, distribution and quality of humanitarian aid;
- *to develop an effective mechanism for control over and appealing of actions of public officials that impede the delivery of humanitarian cargoes;*
- *to implement a set of measures, including through addressing for resource and personnel assistance to international donors, in regard to mine clearance of the territory and ensuring the security of movement and hand-out of humanitarian supplies.*

**4.** Ensuring the provision of humanitarian aid to victims of armed conflict in the East of Ukraine at the level of legislation till the present day cannot be considered effective. Draft Law of Ukraine “On Humanitarian Aid in Crisis Situations”, registered by the Verkhovna Rada of Ukraine of 1 April 2016 also contains significant drawbacks, both of technical and substantive nature. Disadvantages of the legislative and law enforcement nature in the provision of humanitarian aid to residents of the armed conflict zones include the risks of deterioration of the situation of the population affected, the loss of credibility of the government and military, judiciary and law enforcement agencies in the eyes of the ordinary people of Donetsk and Luhansk regions and the entire population of Ukraine. Therefore, we offer:

- *to finalize the Draft Law of Ukraine “On Humanitarian Aid in Crisis Situations” (No. 4360), in particular with regard to:*
  - a) *definition of concepts and a clear outline of their content (an international humanitarian organization, donors, receivers, recipients of humanitarian aid) – Article 1;*
  - b) *determining the powers of the Cabinet of Ministers of Ukraine, ministries and other executive authorities in regard to the formation and implementation of the state policy in the field of humanitarian aid in crisis situations – Section II;*
  - c) *detailing types of legal liability for certain types of violations in the field of humanitarian aid;*
- *to amend the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine in order to ensure more effective protection against encroachment in the field of humanitarian aid committed by such subjects as officials of public authorities and local self-government bodies, enterprises, institutions and organizations including humanitarian organizations; representatives of the said bodies and organizations which are not officials; representatives of illegal armed groups; natural persons, etc.;*
- *to improve the system of actions and agencies to provide humanitarian aid (allowing passage of humanitarian cargoes) to the territory uncontrolled by the Ukrainian authorities;*
- *to conduct effective investigations and fair prosecution of perpetrators of violations in the field of humanitarian aid.*

**5.** Urgent problems of equitable access to humanitarian aid are as follows:

- public authorities, in fact, do not help the displaced persons. As a rule, departments of social protection simply forward people to humanitarian organizations;
- at the present time, population of large cities has ample opportunities to receive humanitarian aid – such information is rather widespread. Instead, the smaller towns are and the more distant they are from the demarcation line, the more complicated is humanitarian situation;
- there is a “problem of local residents” who are not displaced persons, but also expect to receive aid. Especially a lack of aid in the form of medicines, medications and general access to medical services is noticeable in regard to senior citizens;

- as a result of unregulated humanitarian aid, arises a psychological problem of “humanitarian needle”, when recipients of humanitarian aid (money, food, clothing, etc.) actually abuse of it, “traveling” from one organization to another, and thus often deprive other people, who really need humanitarian aid, of access to it. There are cases of abuse of humanitarian aid due to resale of items or products;
- “humanitarian tourism”, where persons, using the rights of displaced persons, come to places of registration only to receive aid and then return to the occupied territories. It is impossible to trace what happens with the aid received;
- the lack of humanitarian support of persons who were released from captivity on the exchange, resulting in that people actually remain on the street without any money and the possibility to get in touch with relatives.

These problems include the risk of increasing of feeling of “hopelessness” of their existence by local population and internally displaced persons, living in small remote localities; formation of a “victim complex” among some number of migrants due to the unwillingness to make own efforts to settle their lives and the tightening of requirements for authorities to solve their problems; manifestations of discontent with the behavior of military officers and representatives of security agencies, actions (or inaction) of public bodies.

*To overcome these crisis phenomena it is recommended to:*

- *detail and, if necessary, expand the list of categories of recipients of humanitarian aid; at the level of local executive authorities and local self-government bodies – carry out timely update of the database of recipients of such aid and the corresponding control over such update;*
- *not restrict the provision of humanitarian aid only to a category of internally displaced persons;*
- *Ukrainian government, donors and recipients of humanitarian aid in Ukraine shall provide an appropriate assessment of the needs for humanitarian aid;*
- *ensure the transparency of information on the needs for humanitarian aid at the stage of planning, including in regard to special nutrition, hygiene products for adults with disabilities or ill senior citizens;*
- *ensure improvement of the mechanism for the logistics of the humanitarian aid provision, including in regard to sufficiency of the humanitarian aid for separate localities; providing vehicles for transportation of aid; the skill level of personnel accompanying humanitarian aid, including in regard to skills of working with people with disabilities;*
- *develop a system of effective control over the distribution of humanitarian aid at the local level in order to maintain the adequate quality of products given to population, prevent the abusive practice, exceeding the rates of hand-out, disproportionate distribution of humanitarian aid, including within the institutions for disabled persons;*
- *ensure the collection, compilation and publication of statistical data and maps of distributed humanitarian aid (by certain localities, rather than regions; by specific categories and the number of persons, by specific types and amounts of aid provided;)*
- *at the level of individual localities – distribute preliminary information about the date and place of hand-out of such aid, including taking into account the possibility of acquisition of such information by recipients with special needs (e.g. the impaired of vision or hearing);*
- *provide effective methods of preventing and legal impact on violations on the part of combatants regarding the personnel of humanitarian organizations; on the part of the personnel of humanitarian organizations; on the part of recipients of humanitarian aid;*
- *ensure the provision of psychosocial support both for internally displaced persons and encouraging them to be active in the settlement of their lives in order to prevent their “parasitism” on aid, formation of a “victim complex”, and among the senior citizens residing both in controlled territories and in the areas that are not controlled by the government yet.*

# ANNEXES



# QUESTIONNAIRE

## A survey of employees of organizations providing humanitarian aid in the zone of armed conflict in Eastern Ukraine

1. Name of your organization.....
2. Type of humanitarian organization: a) an enterprise of a public organization of persons with disabilities, veterans of war and labor, or an enterprise, institution or organization that is maintained using budget funds; b) a charitable organization; c) a public organization of persons with disabilities, veterans of war and labor, Ukrainian Red Cross Society, its regional organization, a creative union, public organization created for the implementation of environmental, recreational, amateur, sports, cultural, educational and scientific activities; d) a religious organization; d) a rehabilitation institution for disabled persons and children with disabilities.....
3. Location of your organization (region, locality).....
4. Place where your organization provides humanitarian aid to population threatened with hunger (region, locality).....
5. Have there been cases of assault on the personnel of your organization: a) no; b) yes (where, when, who, what injury inflicted).....
6. If yes, then has your organization informed the law enforcement agencies of Ukraine of the assault: a) yes; b) no.....
7. If yes, then what was the response from the law enforcement agencies: a) accepted the application and initiated a criminal proceeding; b) accepted the application but did nothing; a) the application was not accepted; d) your own answer.....
8. If no, explain why .....
9. Have there been cases of persecution, intimidation or arbitrary detention of the personnel of your organization: a) no b) yes (specify where, when, who) .....
10. Has your organization informed the law enforcement agencies of Ukraine of such cases: a) yes; b) no.....
11. If yes, then what was the response from the law enforcement agencies: a) accepted the application and initiated a criminal proceeding; b) accepted the application but did nothing; a) the application was not accepted; d) your own answer .....
12. If no, explain why.....

## ANNEX A

13. Have there been cases of ill-treatment, physical and psychological violence, homicide, beating, abduction, hostage-taking, unlawful arrest and detention of the personnel of your organization: a) no b) yes (specify where, when, who) .....
14. Has your organization informed the law enforcement agencies of Ukraine of such cases: a) yes; b) no.....
15. If yes, then what was the response from the law enforcement agencies: a) accepted the application and initiated a criminal proceeding; b) accepted the application but did nothing; a) the application was not accepted; d) your own answer.....
16. If no, explain why.....
17. Have there been cases of blows on facilities, materials, subdivisions or vehicles used in the provision of humanitarian aid to you: a) no; b) yes (where, when, who, what damage done) .....
18. Has your organization informed the law enforcement agencies of Ukraine of such cases: a) yes; b) no.....
19. If yes, then what was the response from the law enforcement agencies: a) accepted the application and initiated a criminal proceeding; b) accepted the application but did nothing; a) the application was not accepted; d) your own answer.....
20. If no, explain why.....
21. Have there been cases of destruction, misappropriation or looting of such facilities: a) no; b) yes (where, when, who, what damage done).....
22. Has your organization informed the law enforcement agencies of Ukraine of such cases: a) yes; b) no.....
23. If yes, then what was the response from the law enforcement agencies: a) accepted the application and initiated a criminal proceeding; b) accepted the application but did nothing; a) the application was not accepted; d) your own answer.....
24. If no, explain why.....
25. If you are aware of cases of commitment of the above mentioned illegal acts in relation to other humanitarian organizations, please tell us more about this: .....
26. Are you aware of any cases where during the siege the residents were not allowed to leave the city/town: a) no b) yes (specify where, when, who).....

**27.** Are you aware of cases where during the siege the free transportation of food products and basic necessities to the city/town was not allowed: a) no b) yes (specify where, when, who) .....

**28.** Are you aware of any facts of attack on, destruction and removal of or damage to facilities that are necessary for the survival of the civilian population (stocks of food products and medicines; agricultural enterprises manufacturing food products, plantings, livestock, facilities for supply and storage of drinking water, irrigation facilities): a) no b) yes (specify where, when, who) .....

**29.** Are you aware of any facts, when any of the parties of armed conflict did not let free passage of any packages with medical and sanitary products intended only for civilian persons, as well as did not let free passage of any packages with necessary food products, clothes and hygiene items for children aged under 15 years, pregnant women and new mothers. a) no b) yes (specify where, when, who) .....

**30.** Are you aware of any refusals to your humanitarian organization to give consent to the provision of humanitarian aid, when the civilian persons were threatened with hunger: a) no b) yes (specify where, when, who) .....

**31.** Are you aware of any facts of deliberate obstructing the delivery by your organization of cargo and aid to civilians in need: a) no b) yes (specify where, when, who) .....

**32.** Have there been cases of obstruction to the civilian population to apply to your organization: a) no b) yes (specify where, when, who) .....

**33.** If you are aware of cases of commitment of the above mentioned illegal acts in relation to other humanitarian organizations, please tell us more about this: .....

**34.** Have there been cases of failure of the conflicting parties to ensure freedom of movement, quick and unhampered transit of personnel of your organization: a) no b) yes (specify where, when, who) .....

**35.** Have there been cases of failure to take the necessary steps to protect your representatives from the effects of mines (failure to inform the head of the mission of a safe route, refusal to make minefield lane): a) no b) yes (specify where, when, who) .....

**36.** If you are aware of cases of commitment of the above mentioned illegal acts in relation to other humanitarian organizations, please tell us more about this: .....

**37.** Are you aware of any cases of sale/resale of humanitarian aid: a) no; b) yes .....

**38.** What obstacles to the activities of your organization on the provision of humanitarian aid occurred the most frequently? .....

*Thank you for your cooperation!*



# QUESTIONNAIRE

## survey of citizens in need of humanitarian aid in connection with armed conflict in Eastern Ukraine

1. Your sex: a) female; b) male
2. Your age: a) under 18; b) 19-29; c) 30-39; d) 40-49; e) 50-59; f) 60 and older
3. Your place of residence (region, locality)
4. What is the composition of family you live with (number of persons, kinship)
5. According to the scale from 0 to 10 assess the threat of hunger to the residents of your locality during armed conflict
6. Point out when the threat was the most dangerous
7. How often did you and your family members feel the urgency to get humanitarian aid
8. Are you and your family members aware of places, where you can get such aid
9. How many of such places are within your reach
10. Which organizations provide such humanitarian aid (names)
11. Where these organizations located (region, locality)
12. How can you and your family members learn about places and times of hand-out of humanitarian aid ?
13. How often did such organizations handed-out humanitarian aid: a) daily; b) several times a week; c) once a week; d) several times a month; e) once a month; f) your own answer
14. How is the hand-out of the humanitarian aid organized: a) per the list; b) to everyone who came on a first-come, first-served basis; c) firstly it is given to persons with disabilities, elderly people, women with children, pregnant women, and the rest – to everyone else who came; d) there is no order, the strongest and the most impudent take a few packets, and others may not receive aid at all; d) your own answer
15. Who decides on the delivery of humanitarian aid to your locality

## ANNEX B

16. Are you aware of any cases of assault on the personnel of humanitarian organizations, which supply humanitarian aid to your locality: a) no; b) yes (where, when, who, what injury inflicted)
17. Are you aware of any cases of persecution, intimidation or arbitrary detention of the personnel of humanitarian organizations, which supply humanitarian aid to your locality: a) no b) yes (specify where, when, who)
18. Are you aware of any cases of ill-treatment, physical and psychological violence, homicide, beating, abduction, hostage-taking, unlawful arrest and detention of the personnel of humanitarian organizations, which supply humanitarian aid to your locality: a) no b) yes (specify where, when, who)
19. Are you aware of any cases of blows on facilities, materials, subdivisions or vehicles used in the provision of humanitarian aid to you: a) no; b) yes (where, when, who, what damage done)
20. Are you aware of any cases of destruction, misappropriation or looting of such facilities in your locality: a) no; b) yes (where, when, who, what damage done)
21. Are you aware of any cases where during the siege of your locality the residents were not allowed to leave the city/town: a) no b) yes (specify where, when, who)
22. Are you aware of any cases where during the siege of your locality the free transportation of food products and basic necessities to the city/town was not allowed: a) no b) yes (specify where, when, who)
22. Are you aware of any facts of attack on, destruction and removal of or damage to facilities that are necessary for the survival of the civilian population in your locality (stocks of food products and medicines; agricultural enterprises manufacturing food products, plantings, livestock, facilities for supply and storage of drinking water, irrigation facilities): a) no b) yes (specify where, when, who)
23. Are you aware of any facts in your locality, where any of the parties of armed conflict did not let free passage of any packages with medical and sanitary products intended only for civilian persons, as well as did not let free passage of any packages with necessary food products, clothes and hygiene items for children aged under 15 years, pregnant women and new mothers. a) no b) yes (specify where, when, who)
24. Are you aware of any facts of refusals to a humanitarian organization to give consent to the provision of humanitarian aid, when the residents of your locality were threatened with hunger: a) no b) yes (specify where, when, who)

**25.** Are you aware of any facts of deliberate obstructing the delivery by a humanitarian organization of cargo and aid to civilians in need in your locality: a) no b) yes (specify where, when, who).....

**26.** Have there been cases of obstruction to the civilian population of your locality to apply to humanitarian organizations: a) no b) yes (specify where, when, who) .....

**27.** Are you aware of any cases of sale/resale of humanitarian aid: a) no; b) yes.....

**38.** What obstacles to the activities on the provision of humanitarian aid in your locality occurred the most frequently? .....

*Thank you for your cooperation!*



Наукове видання

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Гуманітарна катастрофа чи гуманітарна голка –  
дві сторони однієї медалі: доступ до гуманітарної допомоги  
в умовах збройного конфлікту на Сході України

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